

STATE OF CONNECTICUT

VS.

TOWN OF HADDAM

CONSENT ORDER

- A. The Commissioner of Energy and Environmental Protection (“the Commissioner”) has determined that the Town of Haddam (the “Town” or “Respondent”) is a municipality in which pollution of the groundwaters has occurred or can reasonably be expected to occur; and the Commissioner of Public Health has determined that the pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using such groundwaters as a public or private source of water for drinking or other personal or domestic uses (by establishing a Drinking Water Action Level [DWAL] for trichloroethylene [TCE] of 1 micrograms per liter [$\mu\text{g/L}$], 1,4-dioxane of 3 $\mu\text{g/L}$, vinyl chloride of 0.5 $\mu\text{g/L}$, 1,1-dichloroethene of 7 $\mu\text{g/L}$, 1,1-dichloroethane of 25 $\mu\text{g/L}$, and methyl tert-butyl ether [MTBE] of 70 $\mu\text{g/L}$). With the agreement of the Town, the Commissioner finds:
1. Pursuant to Section 22a-471(b)(1)(A) of the Connecticut General Statutes, while the Town is not responsible for pollution of the groundwater it is nevertheless ordered to implement the Recommended Alternative, defined below, which will provide potable drinking water to Properties defined below and identified in paragraph A.3 below and may apply to the Commissioner for grants pursuant to paragraph B.3 below from any bond authorization established for the provision of potable drinking water or from a State Superfund bond authorization.
 2. The Commissioner completed an engineering report consistent with the requirements of Section 22a-471-1(f) of the Regulations of Connecticut State Agencies (RCSA) entitled, “Tylerville Center Water Supply Alternatives Evaluation – Final,” dated October 2017, prepared by AECOM Technical Services, Inc. on behalf of the Department of Energy and Environmental Protection (DEEP) (“the Engineering Report”). The Engineering Report identifies residential and commercial properties (“Properties”) within and around the Tylerville section of the Town that presently or potentially may not meet the State of Connecticut Department of Public Health requirements for potable drinking water (the “Proposed Water Supply Area”). The Engineering Report evaluates alternatives to provide a long-term potable drinking water supply to the Properties, associated costs, and design criteria for each alternative. The Engineering Report identifies extension of the Connecticut Water Company’s existing eight (8)-inch diameter water main from Denlar Drive in Chester to and within the Proposed Water Supply Area in Tylerville (the “Water Supply Line”) as the recommended alternative to provide a long-term potable drinking

water supply to the Properties (the “Recommended Alternative”). The Recommended Alternative includes water service line connections and well abandonment at each of the Properties if the property owner agrees to the abandonment of the drinking water well.

3. As identified in Table 2 and Figures 3, 5-A, and 5-B of the Engineering Report, the drinking water wells at the following Properties have been found to be contaminated or at risk of being contaminated.

OWNER OF RECORD	ADDRESS
Derek Becker	10 Bethel Lane
Rodney Maxwell	18 Bethel Lane
Daniel Wheeler & Hannah Doolittle	16 Bridge Lane
John Pierce	17 Bridge Lane
Susan Springer	1 Bridge Road
Kris & Anne Marie Pszczolkowski	22 Bridge Road
Paul Horgan	27 Bridge Road
The Riverhouse Properties LLC	55/57 Bridge Road
Joseph & Amy Bergin	56 Bridge Road
Robert Grassia	61 Bridge Road
Jack & Lois Kneale	64 Bridge Road/6 Bridge Lane
Lance Brown & Billie Jean Noonan	71 Bridge Road
Christine Wilson & Anita Collins	72 Bridge Road
Allen & May Lis Jensen	76 Bridge Road
David & Irene Kucharski	78 Bridge Road
Marguerite Novak	80 Bridge Road
Sharon & Robert Botelle	79/81 Bridge Road
Haddam Commons Development Co. LLC	82 Bridge Road
HWGA LLC	85 Bridge Road
Haddam Self Storage LLC	88 Bridge Road
Bridge Street Associates	95 Bridge Road
Bridge Street Associates	98 Bridge Road
LOGI LLC	100 Bridge Road
CCC Haddam LLC	105 Bridge Road
Salvatore & Delia Adorno	106 Bridge Road
Golden Brass LLC	112 Bridge Road
Lafayette Realty Co.	116 Bridge Road
DBP LLC	3 Brookes Court
DBP LLC	4 Brookes Court
DBP LLC	6 Brookes Court
Valerie Johnson	115 Camp Bethel Road
Derek & Michelle Zaremba	117 Camp Bethel Road
James McPhee & Brandon Miller	121 Camp Bethel Road
Camp Bethel Assoc. Inc.	124 Camp Bethel Road
David & Joyce Baker	125 Camp Bethel Road

OWNER OF RECORD	ADDRESS
Robert Larsen	129 Camp Bethel Road
Robert Gardner	133 Camp Bethel Road
David Andeen	137 Camp Bethel Road
Doris Finn	143 Camp Bethel Road
Joan Vile	149 Camp Bethel Road
Joan Vile	151 Camp Bethel Road
Joshua & Jessica James	155 Camp Bethel Road
Deborah Borton	156 Camp Bethel Road
Jane Nemecek	159 Camp Bethel Road
Jeffrey Gardner & Laurie Irving-Gardner	160 Camp Bethel Road
Richard & Robin Stillman	163 Camp Bethel Road
Marc & Nancy Phaneuf	168 Camp Bethel Road
Jeffrey & Emily Merriam	180 Camp Bethel Road
Northern Exposure LLC	4 Harpers Landing
State of Connecticut	14 Little Meadow Road
Kathleen Klinck	69 Little Meadow Road
Norman Hanenbaum & Barry Hanenbaum	71 Little Meadow Road
Keith & Teresa Blethen	74 Little Meadow Road
Daniel Champ	75 Little Meadow Road
Daniel Champ	76 Little Meadow Road
Barbara Frey	77 Little Meadow Road
Scott Catanzaro	78 Little Meadow Road
Martin Duffy	84 Little Meadow Road
John Quinto	88 Little Meadow Road
Michael Telow	90 Little Meadow Road
Estate of David Lenzi	94 Little Meadow Road
Donald & Maryanne Smith	98 Little Meadow Road
Richard Hetzler Trustee	102 Little Meadow Road
John & Virginia Murphy	104 Little Meadow Road
106 Little Meadow Rd LLC	106 Little Meadow Road
Donald Smith	109 Little Meadow Road
Jacqueline Gardell	110 Little Meadow Road
William & Marjorie Supple	116 Little Meadow Road
Angelo Romano & Paula Apro	120 Little Meadow Road
Dorothy Piper	124 Little Meadow Road
John Butler	128 Little Meadow Road
Lorraine Bouffard	130 Little Meadow Road
Richard & Maria Bellemare	134 Little Meadow Road
Donald & Marianne Smith	0 Old Chester Road – N (Map 65, Lot 2-1)
MCAP Sabine Pointe LLC	1556 Saybrook Road
Brian & Diana Dutch	1557 Saybrook Road
DBP LLC	1564 Saybrook Road

OWNER OF RECORD	ADDRESS
Donna Everett	1565 Saybrook Road
Mohammed Sohail & Javed Khan	1569 Saybrook Road
DBP LLC	1572 Saybrook Road
1573 Saybrook Rd LLC	1573 Saybrook Road
Donald & Marianne Smith	1583 Saybrook Road
Ronald Petrucelli Jr. & Mary LeBlanc	1584 Saybrook Road
Angier, Angier & Angier LLC	1586 Saybrook Road
Margaret Winkley	1588 Saybrook Road
Lafayette Realty Co.	1598 Saybrook Road
Susan McColl	1609 Saybrook Road
HCPD LLC	1610 Saybrook Road
Naim Krasniqi	1617 Saybrook Road
Veselak LLC	1618 Saybrook Road
Saybrook Rd LLC	1627 Saybrook Road
State of Connecticut	1640 Saybrook Road
Joseph & Ellen Picone	16 South Side Bluff
Estate of Eleanor Fenn & Bradford Fenn	22 South Side Bluff
John Borton Jr.	26 South Side Bluff
Charles & Mary Orcutt	30 South Side Bluff

4. The Commissioner and the Town have agreed that the Recommended Alternative for addressing long-term provision of drinking water to the Properties is the extension of the Water Supply Line to serve the affected Properties.

B. Therefore, pursuant to Sections 22a-6, 22a-424, and 22a-471 of the Connecticut General Statutes, the Commissioner, with the agreement of the Town, hereby orders the Town to take the following actions:

1. The Town shall implement and oversee all actions required by this consent order until such time as this consent order is fully complied with. The Town may choose to retain additional consultants or expertise as they desire. If the Town elects to employ additional expertise, within ten days after retaining any such consultant or in-house expert, the Town shall notify the Commissioner in writing of the identity of such consultant or in-house expert. The Town 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 within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant or in-house expert unacceptable.

2. Within 90 days of the date of issuance of this consent order the Town shall submit for the review and written approval of the Commissioner, a schedule for construction of the Recommended Alternative (the "Schedule"), which will include the submission of dates for the following items:
 - a. The date by which contract plans and specifications for the facilities necessary to fully implement the Recommended Alternative shall be submitted for approval by the Commissioner pursuant to this paragraph (the "Contract").
 - b. The date by which verification that the Contract for the installation and construction of the facilities in the Recommended Alternative has been awarded, if work is to be done by an entity other than the Town.
 - c. The date by which verification that said approved facilities have been placed in service.
3. On or before 30 days after the Commissioner's approval of the schedule required by paragraph B.2, the Town shall submit for the review and written approval of the Commissioner a Request for State Grant in accordance with RCSA Section 22a-471-1 for capital improvements for the long-term provision of potable water, which includes the Resolution required by RCSA Section 22a-471-1(d)(1)(C).
4. The Town shall carry out the actions specified in the Engineering Report and approved Contract in accordance with the approved Schedule.
5. Standard for potable drinking water. All potable drinking water which is provided pursuant to this consent order shall be of a quality which meets all standards specified in the Regulations of Connecticut State Agencies, including sections 19-13-B101 and 19-13-B102, as amended and which the Commissioner of Public Health has not determined creates an unacceptable risk of injury to the health or safety of persons using such water as a public or private source of water for drinking or other personal and domestic uses.
6. Progress reports: At a minimum, 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. Access: For long-term provision of drinking water using the Recommended Alternative in Paragraph A.2 to proceed on any of the Properties, the Town must be granted access by the property owner. Granting access generally means giving the Town and the Town's contractors permission (executing an "access agreement") to go onto the property to perform or inspect the water connection installation work (excavate, backfill, restore, etc.). The Town is required to exercise "best efforts" to obtain access to each of the Properties listed in Paragraph A.3. "Best efforts" shall not mean to require the Town to make any monetary payments to any of the Properties' owners for any access agreement, nor to take any judicial proceedings to acquire such access. For any of the Properties

where the Town informs DEEP that it has made best efforts to obtain access, but the property owner has not granted access, the Town must submit to DEEP for review and approval, with a copy to the property owner, a written explanation of its efforts, and the property owner's response to these efforts. DEEP will provide the property owner an opportunity to respond to the Town's submittal. If DEEP determines that the Town has exercised best efforts to obtain access, DEEP will send a letter to the property owner informing them that DEEP concurs the Town used best efforts to gain access, and that the property owner has 15 days to reconsider his or her denial of access. Property owners refusing access to install a water service line on their property are in essence accepting responsibility for future management of all contaminated drinking water wells on their property, and that neither the Town nor DEEP will contribute to the cost of ensuring the potability of water from those wells or future water line installation on that property.

8. 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. The Town is required to exercise best efforts to secure any easements required for implementation of the Recommended Alternative. "Best efforts" shall not mean to require the Town to make any monetary payments to any of the Properties owners for any easement, nor to take any judicial proceedings to acquire such easements. To the extent that the achievement of compliance with the consent order is dependent upon the obtainment of easements either by the Town or the owners of the affected Properties, the Town shall not be found to be in non-compliance with this consent order in the event that said easements cannot be obtained.
9. 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 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.
10. Definitions. As used in this consent order, "Commissioner" means the Commissioner of the Connecticut Department of Energy and Environmental Protection or a representative of the Commissioner. 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.
11. Dates. 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.

12. 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 responsible corporate officer, general partner, or proprietor, or a duly authorized representative of such person, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

13. 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.
14. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
15. Liability of Town and others. The Town's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
16. Commissioner's powers. 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. Without altering anything in the prior sentence, if at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not been completed to the satisfaction of the Commissioner, the Commissioner may institute any proceeding to require Respondent to undertake further action to implement the requirements of this consent order.

17. Town's obligations under law. Nothing in this consent order shall relieve Town of other obligations under applicable federal, state and to the extent local law is consistent with this consent order, local law.
18. 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.
19. 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.
20. Notice to Commissioner of changes. Within 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.
21. 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.
22. 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:

Ms. Shannon Pociu, Environmental Analyst 3
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127

23. Submission of documents to DPH. Any document required to be submitted to the Commissioner of Public Health under this consent order shall, unless otherwise specified in writing by the Commissioner of Public Health, be directed to:

Ms. Lori Mathieu
Department of Public Health
Drinking Water Section
410 Capitol Ave., MS#12DWS
Hartford, Connecticut 06134

The Town consents to the issuance of this consent order without further notice. The undersigned certifies that she is fully authorized to enter into the consent order and to legally bind the Town to the terms and conditions of the consent order.

12/20/17
Date

Elizabeth Milardo
Elizabeth Milardo
First Selectman

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

Date

ORDER NO. SRD-
TOWN OF HADDAM

Robert Kaliszewski
Deputy Commissioner