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Affirmative Action/Equal Opportunity Employer

January 6, 2020

The Honorable Brenda L. Kupchick  
First Selectwoman, Town of Fairfield  
Sullivan Independence Hall, 2<sup>nd</sup> floor  
725 Old Post Road  
Fairfield, CT 06824

**Re: Town of Fairfield Public Works Yard's Reclamation Yard (Aggregate Pile) located off  
Richard White Way, Fairfield, CT  
Notice of Violation No. NOVSWDS20001 Issued January 6, 2020**

Dear First Selectwoman Kupchick:

Connecticut Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division ("WEED") staff has made observations indicating a violation of the solid waste management regulations has occurred at the Town of Fairfield Public Works Yard's Reclamation Yard located off Richard White Way in Fairfield, Connecticut, on November 20, 2019.

Attached is a copy of the above-referenced Notice of Violation ("Notice") addressing the cited violation discovered as a result of this inspection. The Department may take additional action as new information is received and/or developed. Based on the significance of the violation, your written response to the Notice will be considered when WEED evaluates the need to escalate this action further.

Please contact Stan Gormley of my staff at (860) 424-3307 or [Stanley.gormley@ct.gov](mailto:Stanley.gormley@ct.gov) if you have any questions concerning the enclosed issued Notice.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Schiavone".

Joe Schiavone, Supervising Environmental Analyst  
Waste Engineering and Enforcement Division  
Bureau of Materials Management and Compliance Assurance

Encl.

RECEIVED

JAN 10 2019

FIRST SELECTMAN'S OFFICE





## WASTE ENGINEERING & ENFORCEMENT DIVISION

### NOTICE OF VIOLATION No. NOVWSWDS20001

**Date Issued: January 6, 2020**

To: The Honorable Brenda L. Kupchick  
First Selectwoman, Town of Fairfield  
Sullivan Independence Hall, 2<sup>nd</sup> floor  
725 Old Post Road  
Fairfield, CT 06824

The purpose of this Notice is to inform you that personnel of the Department of Energy & Environmental Protection ("DEEP") have made observations or otherwise obtained information indicating that a violation of law has occurred at the Town of Fairfield Public Works Yard's Reclamation Yard (Aggregate Pile) located off Richard White Way, Fairfield, CT. On November 20, 2019, an inspection was conducted by the DEEP Bureau of Materials Management & Compliance Assurance. Based upon that inspection, it appears that you have:

- 1) Disrupted and/or altered a solid waste disposal area without first obtaining the Commissioner's written approval to excavate, disrupt, or remove deposited material at an active, inactive or closed solid waste disposal area as required by §22a-209-7(u) of the RCSA.

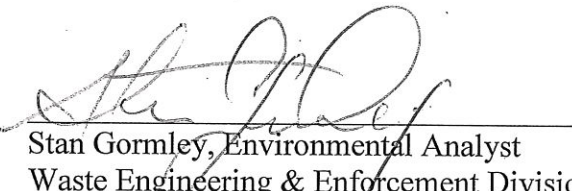
When you have corrected the violation(s) described in this notice, you should submit in writing the details of the corrective action(s). The submittal should be made within thirty (30) days on the enclosed Compliance Statement, and sent to the contact person identified below in paragraph D. Until the DEEP has received such a statement, the DEEP will presume you remain in violation. If the violation(s) cannot be corrected within thirty (30) days, provide a schedule of compliance (that includes a timetable) on the enclosed Compliance Statement within thirty (30) days describing the actions you will take to correct the violation(s). Your actions in response to this notice, including submission of the attached Compliance Statement, may affect the DEEP's decision whether or not to take formal enforcement action.

- A. Other violations may exist; legal obligations. This Notice does not necessarily specify all violations of Connecticut environmental law or violations of any other legal requirements which may exist at the aforementioned property. This Notice does not preclude the DEEP notify you of any violations or takes any enforcement action against you. Nothing in this Notice relieves you of other obligations under applicable federal, state, and local law.

**Town of Fairfield**  
**Re: DPW's Reclamation Yard**  
**Notice of Violation No. NOVWSWDS20001**

**Page 2**

- B. Enforcement action. Civil penalties of up to \$25,000 may be assessed for each day of each violation under §22a-226 of the CGS. Notwithstanding the issuance of this Notice, the DEEP may seek such penalties and may issue an order, seek an injunction, or take other legal action under Chapters 439, 445, and 446 of the CGS Statutes.
- C. No assurance by Commissioner. No provision of this Notice and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that actions you may take to address the violation(s) alleged herein will result in compliance.
- D. Staff contact. If you question any of the information contained in this Notice, you may contact Stan Gormley of the Bureau of Materials Management & Compliance Assurance at 860-424-3307, 79 Elm St., Hartford, CT 06106-5127.



Stan Gormley, Environmental Analyst  
Waste Engineering & Enforcement Division  
Bureau of Materials Management & Compliance Assurance  
Department of Energy & Environmental Protection

NOV No. NOVWSWDS20001

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Certified to be a true copy of a document in  
the file of the Dept. of Energy & Environmental  
Protection; Bureau of Materials Management  
and Compliance Assurance.

Name: Nicole Paulin  
Title: Office Assistant  
Date: 1/6/20

**COMPLIANCE STATEMENT**

This Compliance Statement shall be signed by: (I) You (if an individual-the individual signs); (if a corporation or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in §22a-430-3(b)(2) of the RCSA); or (if a municipality-chief elected official or principal executive officer) **and** (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen (15) days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the staff contact identified on the Notice of Violation.

Notice of Violation No. NOVWSWDS20001

[Facility Name: Town of Fairfield DPW's Reclamation Yard

(Site)Address: Richard White Way, Fairfield

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violations have been corrected in the following manner:

Attach additional sheet(s) as needed  
(Enclose supporting documentation demonstrating compliance)

**Certification of Accuracy**

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under §22a-6 and §53a-157 of the CGS.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
(Type name and Title)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Preparer's Signature, if different than the above

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
(Type name and Title)

\_\_\_\_\_  
Address

## **ADVICE TO RECIPIENTS OF NOTICES OF VIOLATION\***

### **Read the Notice of Violation:** It tells you:

- ! what activity you have conducted or what condition on your property is causing or may result in damage to the environment;
- ! the environmental laws you are not complying with;
- ! in some cases, what action you need to take to address the environmental problem;
- ! how quickly DEEP expects you to take action; and
- ! who to contact if you have a question or problem.

**Do Not Cause Additional Problems:** Make sure that you do not engage in activity that might result in further environmental harm.

**Follow the Deadlines:** If you can't meet the deadlines provided in the Notice of Violation, call the contact person. Explain why you can't meet the deadline. Staff will explore with you the feasibility of alternate deadlines.

**Cooperate with DEEP:** Generally, DEEP's first attempt to resolve the types of violations alleged in this case is through the issuance of a Notice of Violation. If you disregard this notice, it will be assumed you do not wish to cooperate and you should expect that DEEP will take more formal enforcement action. This can include issuing an administrative order, and/or filing suit to obtain an injunction and penalties as provided by law. The most important thing to remember is to call DEEP if you have any questions.

**Call if you don't Understand:** DEEP staff name and telephone number are given at the end of the Notice of Violation. Staff are there to try to answer your questions and work with you to resolve the environmental compliance issue. In some cases you may need to obtain the services of a professional consultant to plan and implement effective corrective measures. DEEP staff can discuss with you the kind of professional help you may need to address the alleged violation cited in the notice.

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\*The Notice of Violation does not necessarily specify all environmental violations which may exist at your property regulated by the Department. Nothing in the Notice relieves you of other obligations under applicable federal, state and local law.

**CERTIFIED MAIL™**

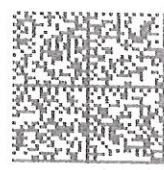
CT 061



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DEEP  
Nicole Paulin  
79 ELM ST  
HARTFORD CT 06106

U.S. POSTAGE >> PITNEY BOWES  
ZIP 06106 \$ 005.60<sup>0</sup>  
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0001395849 JAN 07, 2020



TOWN OF FAIRFIELD  
THE HONORABLE BRENDA L KUPCHICK  
SULLIVAN INDEPENDENCE HALL 2ND FL  
725 OLD POST RD  
FAIRFIELD CT 06824

06824-666999



