

**STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

First original of two



**STATE OF CONNECTICUT**

**V.**

**CITY OF STAMFORD**

**CONSENT ORDER NUMBER** SRD-205

**DATE ISSUED:** September 10, 2010

- A. With the agreement of the City of Stamford ("Respondent"), the Commissioner of the Department of Environmental Protection ("the Commissioner") finds:
1. Respondent is the owner of record of real property located at 612 Scofieldtown Road, in the City of Stamford, Connecticut, ("the Site"), identified as Lot 15 of Block 390 on Map 35 in the Stamford Tax Assessor's office.
  2. The Site was operated as a municipal solid waste landfill from the mid 1930's until 1968 at which time the landfill was graded with soil cover and subsequently redeveloped. The former landfill was not constructed with a liner to collect landfill leachate or a low permeability cover to reduce infiltration.
  3. Respondent has been the property owner of record of the Site since at least 1938, according to the 1938 Atlas available in the City of Stamford Assessor's Office, and currently operates a leaf composting and recycling center and maintains a public works facility at the property.
  4. Scofieldtown Park, located on the southern portion of the Site, contains a basketball court, tennis courts, a playscape and a small man-made pond. The Respondent closed the park to the public on May 14, 2009.
  5. The Site was formerly known as the Scofieldtown Landfill and encompasses approximately 18.1 acres with a waste depth of up to thirty feet below grade.
  6. The US EPA conducted pre-remedial site assessments of the landfill between 1986 and 2008 under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The assessments stated in part that a time-critical removal response action by the EPA under CERCLA authority was not appropriate due to the lack of elevated levels of hazardous substances detected during the Removal Program Preliminary Assessment/Site Investigation of the Site in 1996.

7. Respondent, through its technical consultant, TRC Environmental Corporation (TRC), conducted a limited groundwater investigation of the landfill in 2009. Findings of TRC's study included, in part:
    - a. No anomalies characteristic of storage tanks or drum clusters were detected during the ground penetrating radar survey of the landfill;
    - b. Soil sample results, from the landfill, reported elevated concentrations of eleven SVOCs, extractable total petroleum hydrocarbons (ETPH), one PCB, and two metals;
    - c. Surface water results from, on, and directly adjacent to the landfill reported a slightly elevated level of one VOC; and
    - d. On-site monitoring wells contained elevated levels of one VOC and two metals, as well as elevated levels of sodium in the vicinity of the salt shed.
  8. By virtue of the above, Respondent maintains a solid waste disposal area.
  9. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than those in paragraphs A.1-7 and does not waive any rights or defenses it may have relating to any actions which may be taken by the Commissioner except as expressly provided in this consent order.
- B. With the agreement of the Respondent, the Commissioner, acting under Connecticut General Statutes (CGS), §22a-6, 22a-208, 22a-208a(c), 22a-225 and 22a-432 as well as the Regulations of Connecticut State Agencies (RCSA), §22a-209-7, orders Respondent as follows:
1. Within **ninety (90) days** from the date of issuance of this consent order, Respondent shall:
    - a. Retain a Professional Engineer (PE), licensed to practice in the state of Connecticut, to oversee the development and submittal of all required documents pursuant to this order; and
    - b. Retain an environmental professional (LEP) licensed pursuant to CGS §22a-133v to perform required actions in section B.3. of this consent order and to assess existing leachate quality and propose a long-term water quality monitoring program.

Both such professionals shall have a minimum of five (5) years experience preparing and implementing closure plans.

2. Within **ninety (90) days** from the date of retention of the PE and LEP as required in section B.1. of this consent order, Respondent shall submit for the review and written approval of the Commissioner, a closure plan, as defined in CGS §22a-207(26), for the Site, in accordance with RCSA §22a-209-13, that at a minimum addresses the following:
  - a. A detailed plan for the immediate evaluation and investigation of the potential impact of the landfill off site including but not limited to any existing and potential extent and degree of groundwater and surface water impacts and any leachate outbreaks and seeps. This interim off site impact plan shall include a proposed schedule for all required elements, and detailed provisions for reporting and monitoring. If off site impacts are detected that require corrective action, then within 30 days of Respondent obtaining knowledge of any such off site impacts, but in no case later than 30 days from the date of any Commissioner written notification to the Respondent of any such off site impacts, or such other time frame if approved by the Commissioner, Respondent shall submit a plan, for corrective action including a schedule for initiating such corrective action. Upon receipt of written approval of the Commissioner, Respondent shall implement said plan;
  - b. The installation of a landfill cap;
  - c. A plan for post-closure monitoring and maintenance of the cap including water monitoring;
  - d. A plan for post-closure surface and ground water monitoring;
  - e. A plan for evaluating leachate quality as well as initiating and continuing leachate monitoring on a quarterly basis, including criteria for initiating corrective action as needed; and
  - f. A plan for post-closure use of the Site.
3. Within **sixty (60) days** from the date of approval of the closure plan required by paragraph B.2. of this consent order, Respondent shall implement the plan as approved by the Commissioner, provided that Respondent implements any interim corrective action identified in paragraph B.2.a. on a schedule as approved by the Commissioner.
4. 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. The Commissioner may approve in writing an alternative schedule for submitting progress reports.

5. 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.
6. All sample analyses, which are required by this consent order, and all reporting of such sample analyses shall be done by a laboratory certified by the Connecticut Department of Public Health for such analyses. All sampling and sample analyses performed under this consent order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR Part 136. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the Analytical Detection Limit as defined in RCSA §22a-133k.
7. 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 **thirty (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.
8. As used in this consent order, "Commissioner" means the Commissioner or a duly authorized 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.
9. 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.

10. 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 chief executive officers or a duly authorized representatives of such officers, 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 officers and each such individuals shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments hereto, 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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

16. 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.
17. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the CGS and any other applicable law.
18. Until Respondents have fully complied with this consent order, Respondents shall notify the Commissioner in writing no later than **fifteen (15) days** after transferring all or any portion of the facility, the operations, the Site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
19. 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. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to prevent or abate violations or pollution.

20. Nothing in this consent order shall relieve Respondents of other obligations under applicable federal, state and local law.
21. 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 Respondents pursuant to this consent order will result in compliance or prevent or abate pollution.
22. Any representative of the Department of 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.
23. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
24. Within **fifteen (15) 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, Respondent shall submit the correct or omitted information to the Commissioner.
25. In the event that Respondents become 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, Respondents 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, Respondents 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 Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents 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.

26. 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:

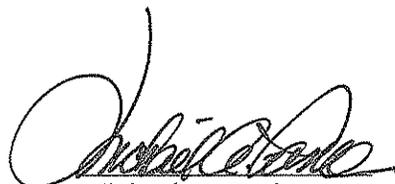
Scofieldtown Landfill (Stamford) Closure Project  
Attn: Ms. Amanda Flad  
Remediation Division  
Bureau of Water Protection and Land Reuse  
Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106-5127

The undersigned certifies that he is fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of this Consent Order.

RESPONDENT – City of Stamford

9/9/2010  
Date

9/9/10  
Date



Michael A. Pavia  
Mayor, City of Stamford



Michael D. Larobina  
Director of Legal Affairs and  
Corporation Counsel, City of  
Stamford

Issued as a final Order of the Commissioner of the Department of Environmental Protection.

September 10, 2010  
Date

  
Amey Marrella  
Commissioner

ORDER NO. SRD-205