



79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

**Bureau of Water Protection and Land Reuse  
Remediation Division**

October 27, 2020

Brenda L. Kupchick  
CEO  
Town of Fairfield  
725 Old Post Road  
Fairfield, Connecticut 06824

**Re: Final Consent Order No. 2020002DEEP – Notification Pursuant to CGS 22a-6w.**

Julian Fill that originated from 1 Richard White Way (a/k/a 183 Richard White Way)

Dear First Selectwoman Kupchick:

Enclosed is a certified copy of the Consent Order issued to the respondent Town of Fairfield by the Department of Energy and Environmental Protection to address violations of Connecticut's §22a-6, §22a-208a(c), §22a-424 and §22a-428 at the subject site. The Department appreciates your interest in resolving this matter proactively.

Also, section 22a-6w of the Connecticut General Statutes (CGS) requires the Department of Energy and Environmental Protection to provide you with notice of an enforcement action in your municipality. CGS Section 22a-6w of the Connecticut General Statutes states:

Prior to, or concurrent with, taking any enforcement action under this title or any action to recover any civil penalty imposed under this title, the Commissioner of Energy and Environmental Protection shall give notice of such action to the chief elected official of the municipality in which the regulated activity which gave rise to such action is located. Such information shall be held confidential by such official and shall not be considered a public record or public information for the purposes of chapter 3 of the Connecticut General Statutes.

If you have any comments or questions on the substantive requirements and/or scheduling deadlines presented in the consent order, please contact Jade Barber of my staff at (860) 424-3341.

Sincerely,

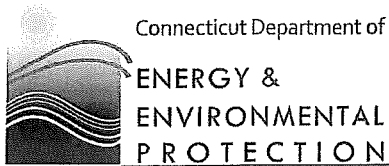
A handwritten signature in cursive script that reads "Jan M. Czeczotka".

Jan Czeczotka  
Director  
Remediation Division  
Bureau of Water Protection and Land Reuse

Enclosure  
Sent via Electronic Certified Mail

c: Michael Miller, Wiggin and Dana, One Century Tower, 265 Church Street, New Haven, CT 06510





*[Handwritten Signature]*  
Signature/(Your title), Department of Energy and Environmental Protection

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

**Bureau of Water Protection and Land Reuse  
Remediation Division**

STATE OF CONNECTICUT  
V.  
TOWN OF FAIRFIELD

CONSENT ORDER<sup>1</sup>

- A. With the agreement of the Town of Fairfield (“Respondent”), the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:
1. Respondent is a municipality with an address of 725 Old Post Road, Fairfield, Connecticut 06824.
  2. During all relevant time periods described herein, Respondent owned and continues to own the property located at 1 Richard White Way (a/k/a 183 Richard White Way), Fairfield, Connecticut (the “Facility”), as well as the Known Sites (as defined hereafter).
  3. Between 2013 and 2016, Julian Development, LLC (“Julian”) operated the Facility pursuant to an agreement with Respondent.
  4. The Respondent has indicated that, in September 2016, it hired Logical Environmental Solutions, LLC (“LES”) to provide environmental services relating to the Facility, which included sampling and analyzing materials at the Facility.
  5. On November 11, 2016, LES observed and sampled materials being accepted by Julian and dumped at the Facility, and the sample results revealed the presence of hazardous materials, including specifically polychlorinated biphenyls (“PCBs”) and lead, in the materials.
  6. In August 2019, staff of the Connecticut Department of Energy and Environmental Protection (“DEEP” or “Department”) sampled materials that were

<sup>1</sup> This Consent Order is referred to herein as “Consent Order” or “Order.”

provided to Respondent by Julian for reuse in the vicinity of the sidewalk at Gould Manor Park, Fairfield, Connecticut.

7. The results of the sampling of the Gould Manor Park materials revealed the presence of hazardous materials, including specifically arsenic, lead and asbestos.
8. Respondent has indicated its belief that, between 2013 and 2016, hazardous materials accepted by Julian at the Facility from third parties were provided to the Respondent for reuse in fill from the Facility at various construction and maintenance projects at locations within its municipal boundaries (“Julian Fill”). Respondent has indicated its belief that it placed Julian Fill at certain locations within its municipal boundaries on property it owned or controlled or to which it had rights of access.
9. The Respondent has gathered information and developed a list of locations where Julian Fill was potentially placed based on information from its departments, including invoices for materials provided to Respondent by Julian and originating from the Facility (the “Julian Fill Location List”).
10. In August 2019, Respondent engaged Tighe & Bond, Inc. (“Tighe & Bond”) to investigate the potential placement of Julian Fill and release of pollution at locations identified on the Julian Fill Location List, and Tighe & Bond, on behalf of Respondent, has conducted limited investigations and limited remediation at these locations.
11. Tighe & Bond has reported that Julian Fill was placed at certain of the locations included in the Julian Fill Location List, and that the Julian Fill placed there was contaminated with PCBs, lead, arsenic, polycyclic aromatic hydrocarbons (“PAHs”), extractable total petroleum hydrocarbons (“ETPH”), and/or asbestos.
12. Respondent has posted the results of Tighe & Bond’s investigation work on a publicly-available website, available at <https://www.fairfieldct.org/filluseissues>.
13. Collectively, the locations where it is confirmed that Julian Fill was placed, as described in paragraph A.11, will be referred to as the “Known Sites.”
14. In addition to the Known Sites, there may be additional locations where Julian Fill was placed. The Respondent continues its investigation to determine if any such additional locations exist, other than the Known Sites (“Newly-discovered Sites”).
15. Collectively, Known Sites and Newly-discovered Sites will be referred to as the “Sites.”
16. On January 10, 2020, Respondent submitted a remedial action plan for the area at Gould Manor Park where Julian Fill was placed (the “Gould Manor Park RAP”).

Respondent has reported that the work described in the Gould Manor Park RAP has since been completed.

17. On January 10, 2020, Respondent submitted a remedial action plan to the Commissioner for the area at Burroughs Park, 940 Burroughs Road, Fairfield, Connecticut where Julian Fill was placed (the "Burroughs Park RAP"). Respondent has reported that the work described in the Burroughs Park RAP has since been completed.
  18. On April 16, 2020, Respondent submitted remedial action plans to the Commissioner regarding remediation of the Julian Fill at the following Known Sites in Fairfield, Connecticut: (i) Osborn Hill Elementary School, 760 Stillson Road; (ii) McKinley Elementary School, 60 Thompson Street; (iii) Mill Hill Elementary School, 635 Mill Hill Terrace; (iv) Southport Beach, Pequot Avenue; (v) Jennings Beach, So. Benson Road; (vi) Sunset Avenue; and (vii) Old Dam Road (the "April 16, 2020 RAPs" and, together with the Burroughs Park RAP and Gould Manor Park RAP, the "Known Site RAPs").
  19. On June 30, 2020 DEEP Remediation Division staff responded to Tighe & Bond with comments to the Known Site RAPs, and on August 4, 2020, DEEP Remediation Division staff and Tighe & Bond further discussed the Known Site RAPs to resolve the June 30, 2020 comments.
  20. On August 7, 2020, Tighe & Bond submitted correspondence to DEEP Remediation Division staff supplementing the Known Site RAPs, consistent with the August 4, 2020 conference referenced in paragraph A.19 of this Consent Order (the "Known Site RAPs Supplement").
  21. The presence of Julian Fill at the Sites, if unaddressed, constitutes a community pollution problem representing a potential risk to human health and the environment and a potential threat of pollution to the waters of the State requiring investigation and, as necessary, remediation to ensure any pollution of the waters of the State as a result of the placement of Julian Fill at the Sites is prevented and remediated.
  22. By agreeing to the issuance of and complying with this Consent Order, Respondent makes no admission of fact or law with respect to the matters asserted herein, including the allegations set forth above, other than the facts asserted in paragraphs A.1 to A.3, inclusive of this Consent Order.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-208a(c), §22a-424 and §22a-428 of the Connecticut General Statutes, orders Respondent as follows:
1. Respondent has identified James T. Olsen (LEP License #178) of Tighe & Bond as the environmental professional licensed pursuant to Section 22a-133v of the Connecticut General Statutes ("LEP"), who is acceptable to the Commissioner, to prepare the documents and implement or oversee the actions required by this Consent Order. Respondent shall retain James T. Olsen (LEP License #178) of

Tighe & Bond or an LEP acceptable to the Commissioner until the actions required by this Consent Order are fully complied with, and, within ten (10) days after retaining any LEP other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other LEP. James T. Olsen (LEP License #178) of Tighe & Bond and any other LEP(s) retained to perform all investigation and remediation activities in response to this Consent Order shall provide professional services in accordance with Sections 22a-133v-1 through 8 of the Regulations of Connecticut State Agencies (the "Regulations"). Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

2. Upon issuance of this Consent Order, the Respondent shall post the Consent Order, on its publicly available website <https://www.fairfieldct.org/filluseissues>, and keep this Consent Order and the Julian Fill Location List, as updated from time to time, so posted until the Respondent is determined to be in full compliance with the requirements of this Consent Order. Upon full compliance with the Consent Order, the Commissioner shall issue a Certificate of Compliance to the Respondent as the final record that the Respondent has met all its obligations under this Consent Order and is in full compliance with its requirements.
3. Upon issuance of this Consent Order, Respondent shall commence and perform the remediation (if not already completed) more fully described in the Known Site RAPs and the Known Site RAPs Supplement.
4. If and when the Respondent identifies any Newly-discovered Sites, it shall submit written notification to the Department within fifteen (15) days of identification of such Newly-discovered Sites. Such notification shall include a description of the information supporting the identification of the Newly-discovered Site and, to the extent readily available, a description of the location and extent of the Julian Fill believed to be present at the Newly-discovered Site.
5. Within forty-five (45) days from the date of issuance of this Consent Order, Respondent shall submit to the Commissioner for the Commissioner's written approval a schedule for the investigation and remediation of all pollution existing on and emanating from the Known Sites resulting from the activities described in paragraph A.8 of this Consent Order. Such schedule shall provide that the investigation of the Known Sites be completed not later than two (2) years of the date of issuance of this Consent Order, that remediation, as necessary, of the Known Sites shall be initiated not later than three (3) years of the date of issuance of this Consent Order, and that remediation of such pollution at the Known Sites, except for natural attenuation or compliance groundwater monitoring, if warranted, shall be completed within five (5) years of the date of issuance of this Consent Order. The Respondent shall provide public notice of the remediation prior to the initiation of such remediation using Respondent's publicly-available website, <https://www.fairfieldct.org/filluseissues>, or by way of some other manner acceptable to the Commissioner; provided, however, that to the extent remediation activities described in the Known Site RAPs are completed prior to the date of issuance of this Consent Order, Respondent shall be deemed to have satisfied the public notice requirement of this paragraph B.5 by posting the relevant Site

investigation data on Respondent's publicly-available website.

6. Respondent shall conduct the investigation of the Sites in accordance with prevailing standards and guidelines, to determine the nature, extent and degree of solid waste, soil pollution and, if any, groundwater and surface water pollution on and emanating from the Sites resulting from the activities described in paragraph A.8 of this Consent Order. Respondent shall conduct such investigation in accordance with the schedule submitted pursuant to paragraph B.5 of this Consent Order.
7. Not later than two (2) years after the date of issuance of this Consent Order, Respondent shall submit to the Commissioner comprehensive and thorough investigation reports, prepared by and signed and sealed by the LEP, which documents that the investigation of the Sites has been completed in accordance with prevailing standards and guidelines.
8. Not later than three (3) years after the date of issuance of this Consent Order, for any remediation work not otherwise included in or addressed by the Known Site RAPs and Known Site RAPs Supplement, which work shall be conducted pursuant to paragraph B.3 above, Respondent shall submit to the Commissioner remedial action plans prepared by and signed and sealed by the LEP for solid waste removal and to remediate soil pollution and, if any, groundwater and surface water pollution defined in the report required in paragraph B.7 of the Consent Order resulting from the activities described in paragraph A.8 of this Consent Order. The remedial action plans shall include a schedule for conducting the remedial actions, for obtaining all permits and approvals required for such remedial actions, and for conducting a groundwater monitoring program, if warranted. If any solid waste or contaminated soil cannot be removed as part of the remedial action plan, the volume and area of solid waste or contaminated soil to be left in place shall be identified along with the reasoning supporting leaving such material behind and the long-term strategy for mitigating and monitoring risk associated with leaving solid waste and contaminated soil in place, including the use of an environmental use restriction as defined in sections 22a-133n to 22a-133r of the Connecticut General Statutes. For the avoidance of doubt, other than as set forth in this Consent Order, Respondent shall not be required to obtain any other approval or authorization from the Commissioner with respect to commencing and performing remediation at any "solid waste disposal areas" resulting from the activities described in paragraph A.8. of this Consent Order at the Sites.
9. Respondent shall remove solid waste and remediate soil pollution and, if any, groundwater and surface water pollution resulting from the activities described in paragraph A.8 of this Consent Order, in accordance with the remedial action plans required by paragraph B.8 of this Consent Order, and in accordance with Section 22a-133k-1 through 3 of the Regulations, the Remediation Standard Regulations (RSRs). Except for the work described in the Known Site RAPs and Known Site RAPs Supplement, which work shall be conducted pursuant to paragraph B.3 above, Respondent shall initiate removal of solid waste and remediation of soil pollution and, if any, groundwater and surface water pollution on and emanating from the Sites in accordance with the schedule submitted with the remedial action

plans required pursuant to paragraph B.8 of this Consent Order.

10. Not later than five (5) years after the date of issuance of this Consent Order, Respondent shall submit to the Commissioner a remedial action report for each Site prepared by and signed and sealed by the LEP, which describes in detail the actions taken to remediate the pollution, including for the work described in paragraphs A.16 and A.17 of this Consent Order, resulting from the activities described in paragraph A.8 of this Consent Order, and documents that such pollution was remediated in accordance with the RSRs and the remedial action plans required by Paragraph B.8 of this Consent Order. The report shall also identify and include (if applicable):
  - a. the type and volume of solid waste removed from each Site,
  - b. the approximate volume of solid waste or contaminated soil required to be left in the ground due to the impracticability associated with its removal and the approximate land area and parcel description under which such solid waste or contaminated soil is located;
  - c. any environmental use restrictions placed on the land records as a long-term remedy identified by volume and page;
  - d. any long-term remedy being implemented to achieve remediation standards for groundwater,
  - e. the estimated duration of such remedy,
  - f. the ongoing operation and maintenance requirements for continued operation of such remedy,
  - g. documentation that there are no current exposure pathways to the groundwater area that have not yet met the applicable remediation standards set forth in the RSRs, and
  - h. a schedule for conducting any necessary groundwater monitoring to determine the effectiveness of the remediation in preventing further pollution of groundwater, to track natural attenuation, and to demonstrate compliance with the RSRs.
11. Only if required to comply with the remedial action plans provided in accordance with paragraph B.8 of this Consent Order, Respondent shall conduct a groundwater monitoring program, if any, in accordance with the schedule provided in the remedial action reports submitted pursuant to paragraph B.10 of the Consent Order.
12. Upon completion of the required groundwater monitoring program, if any, or as part of the remedial action reports submitted in accordance with paragraph B.10 of this Consent Order if groundwater monitoring is deemed by the investigation to not be required at any Site(s), Respondent shall submit a Verification Report (as defined hereafter) for each Site, with a final conceptual site model and a verification rendered by the LEP that the investigation of the pollution resulting from the activities described in paragraph A.8 of this Consent Order has been completed in accordance with prevailing standards and guidelines, and that such pollution has been remediated in accordance with the RSRs and in accordance with the requirements of this Consent Order (the "Verification Report"). Verification Reports shall be subject to audit in accordance with paragraph B.13 of this Consent



Order and may be submitted for individual Sites or groups of Sites. The submission of the Verification Report, subject to audit in accordance with paragraph B.13 of this Consent Order, for a Site or group of Sites, shall satisfy any of Respondent's obligations to close or otherwise address any unpermitted "solid waste disposal areas" resulting from the activities described in paragraph A.8 of this Consent Order at the Sites as permitted by section 22a-208a(c)(2) of the Connecticut General Statutes.

13. The Commissioner may conduct an audit of the verification rendered by the LEP pursuant to paragraph B.12 of this Consent Order, and determine if the investigation conducted by the LEP of all pollution resulting from the activities described in paragraph A.8 of this Consent Order was conducted in accordance with prevailing standards and guidelines, and determine if the pollution resulting from the activities described in paragraph A.8 of this Consent Order was remediated in accordance with the RSRs. The decision whether to audit shall be made in accordance with the schedule prescribed by § 22a-134a(g)(3)(A) of the Connecticut General Statutes unless circumstances provided in § 22a-134a(g)(3)(C) occur permitting an audit beyond the deadline in § 22a-134a(g)(3)(A). Based on audit findings, the Commissioner may require additional investigation or remediation of pollution resulting from the activities described in paragraph A.8 of this Consent Order to ensure compliance with the RSRs and any requirement of this Consent Order. At any time after the submission of a Verification Report, the Commissioner may issue the Respondent a verification acceptance letter or no-audit letter confirming that no audit will be required for the submitted Verification Report.
14. 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 to the Commissioner's satisfaction and the Commissioner issues a written notice that no audit of the verification(s) rendered by the LEP will be conducted, or the Commissioner conducts an audit of the verification rendered by the LEP and issues written findings that the verification was appropriate and thereby accepted. If the Commissioner determines the verification is not appropriate and thereby rejects the verification, Respondent is not in compliance with this Consent Order.
15. Sampling. All sampling shall be performed in general accordance with procedures specified by the Commissioner, including, by way of example, the most recent final version of the EPA publication SW-846, entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," the most recent final version of the Department's "Site Characterization Guidance Document," and relevant policies and guidelines issued by the Commissioner.
16. Sample analyses. All sample analyses which are required by this Consent Order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health and approved to conduct such analyses.
17. Reasonable Confidence Protocols. When the Department has published a Reasonable Confidence Protocol for a specific analytical method, such Reasonable Confidence Protocol shall be used when samples are evaluated using that analytical

method. When samples have been evaluated using an analytical method for which a Reasonable Confidence Protocol has been published, a properly completed laboratory Quality Assurance/Quality Control certification form, certified by the laboratory must be provided to the Commissioner with the analytical data. In cases where samples are to be evaluated using a method for which a Reasonable Confidence Protocol has not been published, it shall be demonstrated to the satisfaction of the Commissioner, before analytical data generated using such a method can be used to satisfy the requirements of this Consent Order, that such method includes a level of quality control and documentation equivalent to the standards specified in the Reasonable Confidence Protocols for other, similar methods.

18. Laboratory Reporting Limits. Laboratory reporting limits shall be established at a concentration which is less than applicable criterion for a substance contained in, or specified pursuant to, the RSRs.

The laboratory reporting limit for the analysis of all samples shall:

- a. Not be artificially raised or lowered; and
- b. Be equivalent to the concentration of the lowest standard used to calibrate the instrument actually analyzing a sample, provided such instrument has been calibrated in accordance with a method specified in an Reasonable Confidence Protocol or otherwise approved by the Commissioner after consultation with the Commissioner of Public Health; or
- c. Be equivalent to the concentration of a low-level reporting standard, as specified in a Reasonable Confidence Protocol or otherwise approved by the Commissioner after consultation with the Commissioner or Public Health.

The laboratory reporting limit for a given sample shall be corrected for specific sample weight or volume, and dilutions, and, for soil and sediment samples moisture content (reported as dry weight).

When analyzing a sample, if due to instrument limitations or matrix interference the laboratory reporting limit for a substance is greater than the applicable RSR criterion for such substance, alternative analytical methods, sample preparation procedures or alternative instrumentation shall be evaluated with the laboratory and sufficiently documented.

19. Analytical Data Quality and Usability. All analytical data used to comply with this Consent Order and the RSRs shall be scientifically valid and defensible, with a level of precision, accuracy, and sensitivity commensurate with its intended use. All analytical data submitted shall include an analytical data quality assessment and data usability evaluation prepared by individuals qualified to make such assessment or evaluation.

If the Commissioner determines that analytical data is not scientifically valid and

defensible, or not of a sufficient level of precision, accuracy, and sensitivity to support the intended use of the data, the Commissioner may determine that the requirements of this Consent Order have not been satisfied.

20. 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 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.
21. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
22. Dates. 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. 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.
23. 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 chief executive officer or a duly authorized representative of such officer, as those terms are defined in § 22a-430-3(b)(2) of the Regulations, 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.”*

24. 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.
25. 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.
26. Notice of transfer; Liability of Respondent. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the sites, the operations, or the parcels which are 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.
27. 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 violations of law, including but not limited to those described in this Consent Order. If at any time the Commissioner determines that the actions taken by Respondent 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 Respondent to undertake further investigation or further investigation or further action to prevent or abate pollution.
28. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
29. 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.
30. Access to Sites. Any representative of the Department may enter the Site(s) without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order. If any portion of the Site, or any other property where access is needed to implement this Consent Order, is owned or controlled by persons other than Respondent, Respondent shall use best efforts to secure access to the Site from such persons for Respondent and the State. Respondent shall submit to the Commissioner a report which details these efforts. If Respondent is unable to secure such access after use of best efforts, Respondent shall continue to make efforts to obtain access to the Site on a quarterly basis and provide a written report

of these efforts on a quarterly basis.

31. 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.
32. Notice to Commissioner of changes. Within fifteen (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.
33. 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.
34. 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:

Jade Barber

Department of Energy and Environmental Protection

Bureau of Water Protection and Land Reuse

Remediation Division

79 Elm Street

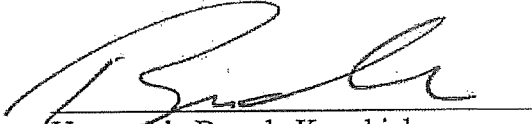
Hartford, Connecticut 06106-5127

E-mail: [jade.barber@ct.gov](mailto:jade.barber@ct.gov)

*[Remainder of page intentionally left blank; signature page follows.]*

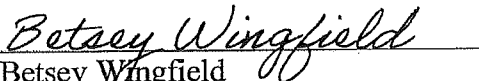
Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.

RESPONDENT

  
Honorable Brenda Kupchick  
First Selectwoman – Town of Fairfield

10 - 20 - 20  
Date

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

  
Betsy Wingfield  
Deputy Commissioner

October 26, 2020  
Date

ORDER NO. ██████ 2020002DEEP  
DISCHARGE CODE H  
TOWN OF FAIRFIELD  
LAND RECORDS