

Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

*IN THE MATTER OF*

:

*APPLICATION NO.  
200501617*

*WASTE MANAGEMENT OF  
CONNECTICUT, INC.*

:

*JULY 29, 2011*

***FINAL DECISION***

Waste Management of Connecticut, Inc. (the applicant) has applied to the Department of Energy and Environmental Protection (DEEP) for a renewal of its permit to operate a solid waste volume reduction and recycling facility on Meadow Street in South Norwalk. A hearing was held after the department received a petition signed by more than twenty-five members of the public. The hearing officer issued a proposed final decision recommending approval of the application and issuance of the proposed draft permit. The intervening party Connecticut Coalition for Environmental Justice (CCEJ) filed exceptions and a request for oral argument on the proposed final decision. Oral argument was held on June 30, 2011 and was limited to CCEJ's exception concerning the impact of the Department's Environmental Equity Policy of 1993 on the renewal application and proposed permit at issue in the hearing; namely, CCEJ asserted that the policy warrants the inclusion of new permit conditions it suggested.

After reviewing the hearing officer's proposed final decision and the entire administrative record – which included public comment, documentary evidence, testimony, the hearing officer's rulings and the briefs and oral argument submitted to me, I affirm the proposed final decision. Through substantial evidence in the record, the applicant has met its burden of proof by demonstrating that the continued operation of the facility in accordance with the proposed draft

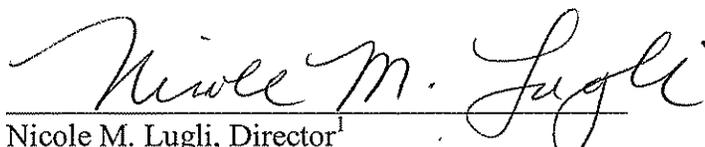
permit will comply with all relevant statutory and regulatory requirements, which include standards protective of human health and the environment.

I agree with the proposed final decision that “the protection of the health, safety, and welfare of citizens of the state is inherent in [the Department’s] Environmental Equity Policy that ‘no segment of the population should because of its racial or economic makeup bear a disproportionate share of the risks and consequences of environmental pollution.’ ” (Proposed Final Decision, May 6, 2011 p. 21.) The record is clear that the application and the proposed draft permit meet current standards articulated in the applicable statutes and regulations and the State’s 2006 Solid Waste Management Plan. These standards are intended to protect the environment and human health. The proposed draft permit is more protective than the current permit as demonstrated by the updated conditions, including those pertaining to independent auditing and random inspections of incoming loads. As such, the DEEP has upheld this policy through this permitting process.

There is no evidence that the steps taken in this permitting process violated the generally applicable Environmental Equity Policy from 1993. (Proposed Final Decision p. 21.) The facility has existed for over twenty years and the applicant has demonstrated that it has complied and will continue to comply with the applicable environmental laws and regulations. CCEJ has not demonstrated that there is a need for me to further restrict or condition the currently permitted operation, nor am I required to because the public is adequately protected by the proposed draft permit and its updated terms.

I recognize CCEJ’s laudable interest in protecting the surrounding neighborhood and its residents and encourage the community to be the “eyes and ears” in the field to assure compliance. Sophisticated information gathering capability and technical expertise are not necessarily required to observe and report suspected violations at this site. Observations of suspected violations regarding the operation of the facility can be reported to DEEP or the site operator and can be documented through photographs or written descriptions that include the date and time of the activity.

The applicant and the site operator are encouraged to continue to be responsible and attentive neighbors committed to addressing the concerns of the community. DEEP is also committed to continue to monitor this facility. In addition to the audit provisions in the draft permit that are intended to serve as an independent compliance check on the facility, there is also an assurance that this facility is part of the universe of regulated solid waste facilities that are inspected for compliance by DEEP.

  
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Nicole M. Lugli, Director<sup>1</sup>  
Office of Enforcement Policy and Coordination

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<sup>1</sup> Commissioner Esty delegated his authority to render a final decision in this matter to me on May 25, 2011.

**SERVICE LIST**

In the matter of Waste Management of CT, Inc.

Application No. 200501617

**PARTY**

**REPRESENTED BY**

**The Applicant**

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