

DOCKET NO:

RETURN DATE: JULY 23, 2019

KATHERINE S. DYKES, : SUPERIOR COURT
COMMISSIONER OF ENERGY AND
ENVIRONMENTAL PROTECTION,
Plaintiff,

v. : JUDICIAL DISTRICT OF HARTFORD

RRR & MAINTENANCE, INC. and
FRANCIS HODGES,
Defendants. : JUNE 24, 2019

PLAINTIFF'S APPLICATION FOR EX PARTE TEMPORARY INJUNCTION

The Commissioner of Energy and Environmental Protection of the State of Connecticut, plaintiff in the above-captioned action ("the Commissioner"), hereby makes application pursuant to Section 52-473 of the General Statutes for an immediate temporary injunction, without bond, in accordance with her prayer for relief, and respectfully requests that the Superior Court issue a temporary injunction before hearing against the defendants RRR & Maintenance, Inc. and Francis Hodges, and their respective officers, agents, servants, employees, and any other person or entity acting on their behalf, to:

1. Immediately cease transporting or accepting any solid waste (including, but not limited to municipal solid waste, construction and demolition debris, bulky waste, and mixed solid waste), to or at property located at 237 Roxbury Road, Washington, Connecticut ("the Site");
2. Immediately cease operating a solid waste transfer station at the Site;
3. Immediately cease allowing other persons or entities to bring any solid waste of any type to the Site;

4. Immediately arrange for the transportation by a hauler of any solid waste at the Site (including, but not limited to municipal solid waste, construction and demolition debris, bulky waste, and mixed solid waste) to a solid waste facility permitted to receive the type of waste transported;
5. Within ten (10) calendar days from the date of entry of a Court Order granting this Application, cause all solid waste (including, but not limited to municipal solid waste, construction and demolition debris, bulky waste, and mixed solid waste) to be removed from the Site by a hauler and disposed of at a solid waste facility permitted to receive the type of waste transported;
6. Within fifteen (15) calendar days from the date of entry of a Court Order granting this Application, submit a written report to the Commissioner describing in detail the actions taken to comply with paragraphs 4 and 5, above, including the name(s) of the hauler(s) that transported the solid waste, the names of the permitted facilities to which the solid waste was transported, and all bills of lading, receipts, invoices, weigh tickets, and manifests that document the transportation, receipt, and proper disposal of the solid waste to, by, and at one or more facilities permitted to receive the waste;
7. Allow representatives and agents of the Commissioner to have access to the Site to monitor progress and compliance with the terms of the Court Order; and
8. Engage in no conduct that violates Chapter 446d of the Connecticut General Statutes, concerning solid waste, including the burying of solid waste at the Site.

Further, the Commissioner requests that the defendants be subject to a penalty of up to \$25,000.00 per day for each day that the defendants fail to comply with the terms of this temporary injunction, and/or coercive incarceration until the terms of this injunction are fully satisfied.

Pursuant to Section 4-5 of the Practice Book, the undersigned counsel for the Commissioner certifies that on June 24, 2019, the undersigned caused to be hand delivered and sent via electronic mail to the defendants copies of these papers for this Application for Ex Parte Temporary Injunction with the date, time, and place at which the Commissioner would be presenting this Application to the court. Copies of the letter and the electronic mail that were sent to the defendants are attached hereto at **Tab A**.

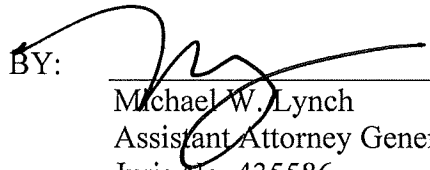
Dated at Hartford, Connecticut, this 24th day of June, 2019.

PLAINTIFF

KATHERINE S. DYKES
COMMISSIONER OF ENERGY AND
ENVIRONMENTAL PROTECTION

WILLIAM TONG
ATTORNEY GENERAL

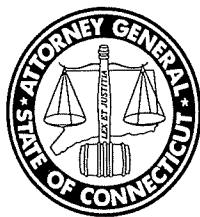
BY:



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Assistant Attorney General
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TAB A

WILLIAM TONG
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of the Attorney General
State of Connecticut

Tel: (860) 808-5250
Fax: (860) 808-5386

June 24, 2019

Via Electronic Mail and Hand Delivery

Francis Hodges
237 Roxbury Road.
Washington, CT 06793

Francis Hodges
President
RRR & Maintenance, Inc.
237 Roxbury Road.
Washington, CT 06793

Email: rrrmaint@msn.com

RE: ***Katherine S. Dykes, Commissioner of Energy and Environmental Protection v. RRR & Maintenance, Inc. and Francis Hodges***

Dear Mr. Hodges:

I am writing pursuant to Section 4-5 of the Practice Book to notify you that the Attorney General intends to file the attached application for an immediate temporary injunction tomorrow morning, June 25, 2019, at 11:00 a.m. in the Hartford Superior Court, 95 Washington Street, Hartford, Connecticut, against your business, RRR & Maintenance, Inc. and you personally, for violations as set forth in the attached Complaint.

Very truly yours,

Michael W. Lynch
Assistant Attorney General

Attachments

Lynch, Michael

To: rrrmaint@msn.com
Subject: Notice per Prac. Book Sec 4-5

Dear Mr. Hodges,

I am writing pursuant to section 4-5 of the Connecticut Practice Book to notify you that the Attorney General intends to file the attached application for an immediate temporary injunction tomorrow morning, June 25, 2019, at 11:00 a.m. in the Hartford Superior Court, 95 Washington Street, Hartford, Connecticut, against your business RRR & Maintenance, Inc., and you personally, for violations as set forth in the attached Complaint.

Sincerely,

Michael W. Lynch
Assistant Attorney General
Office of the Attorney General
55 Elm Street
P.O. Box 120
Hartford, CT 06106

Phone: 860.808.5250

Fax: 860.808.5386

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