

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF** : **ORDER NOS. SRD-159, SRD-160**

**JOSEPH JIOVO/GAIL JIOVO** : **JUNE 2, 2005**

**FINAL DECISION**

The parties have agreed to resolve the appeal of the above-captioned matter by issuance of the attached Consent Order. The parties have confirmed their review, understanding and assent to this order. By my signature as the Commissioner's designee, I hereby issue this order as my final decision in this matter.

June 2, 2005  
Date

/s/ Jean F. Dellamarggio  
Jean F. Dellamarggio, Hearing Officer

STATE OF CONNECTICUT

V.

JOSEPH JIOVO

GAIL JIOVO

**CONSENT ORDER**

A. The Commissioner of Environmental Protection ("the Commissioner") finds:

1. Joseph J. Jiovo and Gail A. Jiovo ("Respondents") are the owners of property located at 704 Thompson Street in Glastonbury, Connecticut "the site", more fully described in a deed which is recorded at page 397 of volume 335 of the Glastonbury land records and identified as Lot B on maps # 107 and 108 in the Glastonbury Tax Assessor's office.
2. The Respondents have been operating a pheasant farm at the site since the 1960's.
3. Animal waste on the site has polluted groundwater on and off site.
4. Groundwater at and emanating from the site is polluted with nitrates.
5. The Commissioner of Public Health has determined that the pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using the polluted ground waters as a public or private source of water for drinking or other consumption.
6. By virtue of the above, pollution of the ground waters has occurred or can reasonably be expected to occur, the pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using such waters as a public or private source of water for drinking or other consumption, and Respondents are responsible for such pollution.
7. By agreeing to the issuance of this consent order, Respondents make no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraph A.1.
8. Upon the signing of this consent order by the Commissioner, Orders numbered SRD-159 and SRD-160 are hereby revoked.

B. Pursuant to Sections 22a-6, 22a-424, 22a-427, 22a-431, 22a-432 and 22a-471 of the Connecticut General Statutes (CGS), the Commissioner orders Respondents as follows:

1. a. Respondents have retained Ms. Barbara Gigliotti as a consultant, acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order. Respondents shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with, and, within ten days after retaining any consultant other than one originally identified under this paragraph, Respondents shall notify the Commissioner in writing of the identity of such other consultant. Respondents shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
- b. Within 45 days from the issuance of this consent order, Respondents shall submit for the review and written approval of the Commissioner and the Commissioner of Public Health an engineering report which describes in detail the problem, area and population affected by the pollution of ground waters; estimates the expected duration and extent of the pollution of ground waters; describes the reverse osmosis water supply treatment system (“alternative supply”), to be provided to the affected properties; describes a program sufficient to adequately operate, maintain and monitor the alternative supply for the duration of the pollution; and estimates the cost and schedule for constructing or installing the alternative supply and the annual cost of each operation, maintenance and monitoring program.
- c. Respondents shall provide a long term potable drinking water supply, in accordance with paragraph B.1.g. of this consent order to the following properties:

| <u>Town of Glastonbury</u><br><u>Address</u> | <u>Last known name of owner or occupant</u> |
|--|---|
| 681 Thompson Street                          | William Mitlehner                           |
| 701 Thompson Street                          | Bernie Gullotta                             |
| 704 Thompson Street                          | Joseph Jiovo                                |
| 732 Thompson Street                          | MaryAne Jiovo                               |
| 746 Thompson Street                          | Donna Lavado                                |
| 746 Rear Thompson Street                     | Jessica Rawlinitis                          |
| 750 Thompson Street                          | Tom Lankton                                 |
| 757 Thompson Street                          | Sandy Eckstrom                              |

- d. Respondents shall provide a short-term and long-term potable drinking water supply, in accordance with paragraphs B.1.e. and B.1.f., to each property which the Commissioner of Environmental Protection determines, upon review of the hydrogeologic study required by this consent order of the Commissioner, to be within the area of polluted ground waters or within an area where pollution of ground waters is imminent.

- e. Respondents shall provide short-term potable drinking water to the properties required by this consent order in accordance with the following:
- (1) Respondents shall provide one (1) gallon per person per day of bottled water to the persons served by wells which have been polluted, or which can reasonably be expected to become polluted, within 24 hours after notification that it is required is received from the Commissioner or within 24 hours after an exceedance is confirmed pursuant to paragraph B.1.i.(2) of this consent order, whichever is earlier. Bottled water shall be delivered on a regular basis by a company licensed to bottle water by the State of Connecticut until potable water is provided pursuant to paragraph B.1.e.(2) of this consent order.
  - (2) In accordance with Attachment A to this consent order, Respondents shall monitor and maintain the Reverse Osmosis (RO), treatment systems and any pretreatment systems which have been provided by the Department, or which the Department will require to be provided by Respondents, to the properties listed in paragraph B.1.c. of this consent order.
  - (3) On or before five days after Respondents begin to provide potable drinking water pursuant to paragraphs B.1.e.(1) or B.1.e.(2) of this consent order, Respondents shall submit written certification to the Commissioner that provision of potable drinking water has begun as required.
- f. Respondents shall provide long-term potable drinking water to the properties required by this consent order in accordance with the following:
- (1) On or before thirty (30) days after the Commissioner notifies the Respondents of properties which are indicated by the hydrogeologic study required by this consent order to be within the area of polluted ground waters or within an area where pollution of the ground waters is imminent, Respondents shall submit for the review and written approval of the Commissioner and Commissioner of Public Health, a revision to the report required by paragraph B.1.b. of this consent order which includes for all such properties the information required by paragraph B.1.b.
  - (2) On or before thirty (30) days after exceedance of a level for any nitrate, which the Commissioner of Public Health determines creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other

consumption is confirmed pursuant to paragraph B.1.h.(2) of this consent order, Respondents shall submit for the review and written approval of the Commissioner and Commissioner of Public Health a revision to the report required by paragraph B.1.b. of this consent order which includes for all such properties the information required by paragraph B.1.b.

- (3) Upon review of the report required by paragraph B.1.b. of this consent order and any revision to that report required by either paragraph B.1.f.(1) or B.1.f.(2) of this consent order, the Commissioner and the Commissioner of Public Health shall consider the nature of the pollution, the expected duration and extent of the pollution, the health and safety of the persons affected, the initial and ongoing cost-effectiveness and reliability of an RO treatment system for the provision of potable drinking water and any other factors which they deem relevant, and shall approve a system or method to provide potable drinking water.
- (4) On or before thirty (30) days after approval by the Commissioner and Commissioner of Public Health under paragraph B.1.f.(3) of this consent order of the treatment system or alternative supply, Respondents shall submit for the review and written approval of the Commissioner of Environmental Protection and the Commissioner of Public Health contract plans and specifications for the approved water supply treatment system or alternative supply and a schedule for constructing or installing the approved treatment system or supply.
- (5) Respondents shall construct or install the approved water supply treatment system or alternative supply in accordance with the approved schedule.
- (6) Respondents shall operate, maintain and monitor the approved treatment system or alternative supply in accordance with the engineering report approved under paragraph B.1.b. of this consent order and any revision to that report required by either paragraph B.1.f.(1) or B.1.f.(2).
- (7) On or before thirty (30) days after approval by the Commissioner and the Commissioner of Public Health under paragraph B.1.f.(4) of this consent order of the plans and specifications for the approved water supply treatment system or alternative supply to provide potable drinking water, Respondents shall submit for the review and written approval of the Commissioner a proposal for the posting of surety in favor of the Commissioner in an amount sufficient to construct or install the required treatment system or alternative supply as required by this consent order, and to operate, maintain and monitor such

system or supply for the estimated duration of the pollution. Within thirty days after approval of such proposal, Respondents shall obtain the approved surety for all requirements of this consent order which have not been fully satisfied as of that date. Such surety shall be posted, updated, and released in accordance with the requirements of Section 22a-209-4(i) of the Regulations of Connecticut State Agencies (Regulations). Respondents shall maintain such surety in full force and effect until such time as the Commissioner approves in writing another person's surety for said purpose or the Commissioner determines that Respondents is in full compliance with this consent order.

- g. For each of the following properties and for those properties which the Commissioner of Environmental Protection determines, upon review of the hydrogeologic study required by this consent order of the Commissioner, are not included under paragraph B.1.c. above but are within an area the ground waters of which can reasonably be expected to become polluted, Respondents shall monitor water quality as described in paragraph B.1.h. of this consent order.

| <u>Town of Glastonbury</u> | <u>Last known name of</u> |
|----------------------------|---------------------------|
| <u>Address</u>             | <u>owner or occupant</u>  |
| 681 Thompson Street        | William Mitlehner         |
| 701 Thompson Street        | Bernie Gullotta           |
| 732 Thompson Street        | MaryAne Jiovo             |
| 746 Thompson Street        | Donna Lavado              |
| 746 Rear Thompson Street   | Jessica Rawlinitis        |
| 750 Thompson Street        | Tom Lankton               |
| 757 Thompson Street        | Sandy Eckstrom            |

- h. (1) Within 5 days form the issuance of this consent order, for the properties listed in paragraph B.1.g., and within thirty (30) days after notice from the Commissioner that additional properties are within an area the ground waters of which can reasonably be expected to become polluted, and quarterly thereafter, Respondents shall monitor the water supplies for each of those properties for nitrate.
- (2) Any drinking water well which is monitored for nitrate and which exceeds a level which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other consumption ("then current action level"), shall be resampled within five days of Respondents' receipt of the sample results. The action levels for nitrates in drinking water are, for the general public 50 milligrams per liter, and for those persons who are more vulnerable to nitrates in

drinking water, as described in the December 10, 1985 letter from the Commissioner of Public Health (attached), the action level is 10 milligrams per liter. If exceedance of such level is confirmed, Respondents shall provide short-term and long-term potable drinking water in accordance with paragraph B.1.e. and B.1.f. of this consent order in accordance with a schedule approved in writing by the Commissioner. If the retest does not confirm the exceedance of such level, a third sample shall be taken within five days of Respondents' receipt of the results, and if two of the three tests show that such level is exceeded, Respondents shall provide short-term and long-term potable drinking water in accordance with paragraph B.1.f. and B.1.g. of this consent order in accordance with a schedule approved in writing by the Commissioner.

- (3) The minimum duration for quarterly monitoring shall be two years. If a concentration value of 50% of the then current action level for nitrate is not exceeded at any time during four consecutive quarterly sampling periods ending no sooner than two years following commencement of the quarterly monitoring, monitoring frequency may be reduced to semi-annually for three years.
  - (4) Semi-annual testing shall be conducted during periods of the year specified by the Commissioner of Environmental Protection. If a concentration value of 50% of the then current action level for nitrate is not exceeded during the three-year duration of semi-annual samplings, monitoring for the particular supply may be terminated with the prior written approval of the Commissioner of Environmental Protection. The Commissioner will not grant such approval if the Commissioner determines that the pollution for which Respondents is responsible can still reasonably be expected to affect the particular water supply. If a concentration value of 50% of the then current action level for nitrate is exceeded, quarterly monitoring and, thereafter, semi-annual monitoring shall be reinstated as described in paragraphs B.1.h.(3) and B.1.h.(4) of this consent order unless the then current action level for nitrate is exceeded, in which case the supply shall be monitored and further actions taken in accordance with paragraphs B.1.h.(2), B.1.h.(3) and B.1.h.(4) of this consent order.
- i. Potable drinking water shall be provided to affected property owners for the duration of pollution of the ground waters. Provision of potable drinking water may be terminated, with the prior written approval of the Commissioner, when a minimum of twelve consecutive monthly samples of the raw influent ground waters indicate that 50% of the then current action level for nitrate has not been exceeded. Any particular supply meeting the

criteria expressed in this paragraph shall be monitored quarterly in accordance with paragraph B.1.h.(1) and B.1.h.(2) of this consent order. Such monitoring may be reduced in frequency and terminated in accordance with paragraphs B.1.h.(3) and B.1.h.(4) of this consent order.

- j. The Commissioner further orders Respondents to reimburse the State and the Town of Glastonbury for all expenses each incurs in providing potable drinking water, as specified in Section 22a-471(b)(4)(B) of the Connecticut General Statutes (the Statutes). Such reimbursement shall be made in accordance with a time schedule approved in writing by the Commissioner after consideration of the expenses incurred and the factors specified in Section 22a-471(b)(4)(B) of the Statutes. To date the expenses incurred by the State amount to \$3,734.05.

2.a. Scope of Study. Within 45 days from the issuance of this consent order, Respondents shall submit for the Commissioner's review and written approval a scope of study for the investigation of the activities described in paragraph A.2. of this consent order to determine the potential impact of such activities on human health and the environment, both on the site and off the site, including, but not limited to, the existing and potential extent and degree of soil, ground water and surface water pollution. Such plan shall include, at a minimum:

- (1) the proposed residential drinking water wells to be sampled;
- (2) a proposed sampling and analytical program, including at least the parameters to be tested, sampling and analytical methods, and quality assurance and quality control procedures; and
- (3) a schedule for conducting the investigation required by this paragraph of the consent order. The schedule shall also include a date by which the report required by paragraph B.2.d. of this consent order will be submitted to the Commissioner.

b. Performance of Investigation.

- (1) Respondents shall perform the investigation and other actions as specified in the approved scope of study and the approved schedule.
- (2) Respondents shall notify the Commissioner in writing of the date and time of water sampling event at least six business days prior to such sampling.

c. Supplemental Plan and Investigation. If the investigation carried out under an approved scope of study does not fully characterize the ground water pollution



to the satisfaction of the Commissioner, additional investigation shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before 30 days after notice from the Commissioner that they are required. Respondents shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each soil and water sampling event at least six business days prior to such installation or sampling.

- d. Investigation Report and Remedial Action Plan. In accordance with the schedule approved by the Commissioner pursuant to paragraph B.2.a. of this consent order, Respondents shall submit for the Commissioner's review and written approval a comprehensive and thorough plan and report which describes in detail the investigation performed pursuant to paragraphs B.2.b. and B.2.c. of this consent order, and which:
- (1) defines the existing and potential extent and degree of soil, surface water and ground water pollution which is on, is emanating from or has emanated from the site;
  - (2) evaluates the alternatives for remedial actions to abate such pollution in accordance with the standards adopted pursuant to section 22a-133k of the Regulations of Connecticut State Agencies. This evaluation shall include, but not limited to an agricultural waste management plan and any other alternative plan specified by the Commissioner;
  - (3) states in detail the most expeditious schedule for performing each alternative;
  - (4) lists all permits and approvals required for each alternative, including, but not limited to any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes;
  - (5) proposes a preferred alternative with supporting justification therefore; and
  - (6) proposes a detailed remedial action plan and schedule to perform the preferred remedial actions. The schedule required by this paragraph shall also include a schedule for applying for and obtaining all permits and approvals required for such remedial actions.

- e. Submission of Ground Water Monitoring Plan. On or before 30 days after the Commissioner has approved a remedial action alternative, Respondents shall submit for the Commissioner's review and written approval:
- (1) a plan to monitor residences with reverse osmosis systems, determine those which may require a reverse osmosis system and to determine the degree to which the approved remedial actions have been effective; and
  - (2) a schedule for performing the approved monitoring program.
  - (3) a maintenance program plan for residences with the reverse osmosis systems.
- f. Permits.
- (1) On or before 30 days after the Commissioner has approved a remedial action plan, pursuant to paragraph B.2.d. of this consent order, the Respondents shall apply for all permits that are necessary to carry out the remedial action approved by the Commissioner.
  - (2) Respondents shall ensure that such applications are complete and shall diligently pursue the issuance of such permits. Should the Commissioner request additional information as part of the permit review and evaluation process, such information shall be submitted on or before 30 days of receiving a written request from the Commissioner.
- g. Notice. On or before 10 days after receipt of any required permit or approval, Respondents shall submit to the Commissioner notice of receiving such permit or approval, and shall, upon the Commissioner's written request, submit a copy of such permit.
- h. Performance of remedial actions.
- (1) Respondents shall perform the approved remedial actions in accordance with the plan and schedule approved pursuant to paragraph B.2.d.(6) of this consent order.
  - (2) On or before 15 days of completing such remedial actions, the Respondents shall certify to the Commissioner in writing that the actions have been completed as approved.
- i. Monitoring.

- (1) Respondents shall perform the monitoring program approved pursuant to paragraph B.2.e. of this consent order to determine the effectiveness of the remedial actions. Such monitoring shall be conducted in accordance with the schedule approved pursuant to paragraph B.2.e. of this consent order.
  - (2) On a schedule established by the Commissioner in writing, or, if no such schedule is established, on a quarterly basis beginning no later than 90 days after initiation of the approved remedial actions, Respondents shall submit for the Commissioner's review and written approval a report describing the results of the monitoring program during that quarter or reporting period.
- j. Additional remedial actions, measures and reporting. If the approved remedial actions do not result in the prevention and abatement of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional remedial actions, measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before 30 days after notice from the Commissioner that such plan and schedule are required.
- k. On a schedule established by the Commissioner or, if no such schedule is established, on a quarterly basis beginning no later than ninety days after initiation of the approved remedial actions or, as applicable, supplemental remedial actions, Respondents shall submit for the Commissioner's review and written approval a report describing the results to date of the monitoring program to determine the effectiveness of the remedial actions.
- l. Respondents may request that the Commissioner approve, in writing, revisions to any document approved hereunder in order to make such document consistent with law or for any other appropriate reason.
3. Test results.
  - a. Respondents shall assure that all laboratory reports of results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants, the Commissioner of Environmental Protection, the Commissioner of Public Health and the Town of Glastonbury Director of Health within thirty (30) days after taking a sample or within five days of receipt of such results by the Respondents, whichever is sooner.
  - b. Respondents shall assure that all results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants with a statement identifying which, if any, parameters exceed the

then current action level for any nitrite, nitrate ammonia and TKN. A copy of the statement submitted to the property owner and occupants shall be sent to the Commissioner within five (5) days of the date it is mailed to the property owner and occupants.

4. Progress reports: 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, Respondents shall submit a progress report to the Commissioner describing the actions which Respondents has taken to date to comply with this consent order.
5. Full compliance. Respondents 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. Standard for potable drinking water. All potable drinking water which is provided pursuant to this consent order shall be of a quality which meets all standards specified in the Regulations of Connecticut State Agencies, including Sections 19-13-B101 and 19-13-B102, as amended, and which the Commissioner of Public Health has determined does not create an unacceptable risk of injury to the health or safety of persons using such water as a public or private source of water for drinking or other consumption.
7. Sampling and 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 to conduct such analyses. All sampling and sample analyses performed under this consent order for nitrite, nitrate, ammonia, and TKN 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 EPA document SW-846. 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 Section 22a-133k-1(a)(1) of the Regulations.
8. Approvals.
  - a. Respondents 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 Respondents that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondents shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 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.

- b. 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 purpose of this consent order.
9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a 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.
10. Dates. 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.
11. 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 Respondents or, if Respondents are not individuals, by Respondents' 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 of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondents or Respondents' 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."

12. 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 Respondents to an injunction and penalties.
13. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under Section 53a-157b or Section 22a-438 of the Connecticut General Statutes and any other applicable law.
14. Liability of the Respondents and others. The Respondents' obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
15. 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 past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by the Respondents pursuant to this consent order have not fully characterized the extent or degree of any pollution, or have not successfully provided potable drinking water to all persons affected, the Commissioner may institute any proceeding to require the Respondents to undertake further investigation or further action to provide potable drinking water.
16. Respondents' obligations under law. Nothing in this consent order shall relieve Respondents of other obligations under applicable federal, state and, to the extent local law is consistent with this consent order, local law.
17. 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 the Respondents pursuant to this consent order will result in compliance or prevent or abate pollution.
18. Access to site. 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.
19. 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.

20. Notice to Commissioner of changes. Within 15 days of the date Respondents 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, Respondents shall submit the correct or omitted information to the Commissioner.
21. Notification of noncompliance. In the event that Respondents 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, 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.
22. 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:

MaryAnne Danyluk  
Department of Environmental Protection  
Waste Management Bureau  
Remediation Section  
79 Elm Street  
Hartford, Connecticut 06106-5127

23. Submission of documents to DPH. Any document required to be submitted to the Commissioner of Public Health under this consent order shall, unless otherwise specified in writing by the Commissioner of Public Health, be directed to:

Lori Mathieu  
Department of Public Health  
Water Supplies Section  
450 Capitol Ave., MS#51WAT  
P.O. Box 340308  
Hartford, Connecticut 06134-0308

24. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this consent order.



Respondents consent to the issuance of this consent order without further notice.

RESPONDENTS

5-25-05  
Date

/s/ Joseph Jiovo  
Mr. Joseph Jiovo

AND

5-25-05  
Date

/s/Ms.Gail Jiovo  
Mrs. Gail Jiovo

Issued as a final order of the Commissioner of the Department of Environmental Protection, resolving the appeal of orders numbered SRD-159 and SRD-160.

June 2, 2005  
Date

/s/JeanF. Dellamarggio  
Jean F. Dellamarggio  
Hearing Officer

ORDER NO. SRD-159,160  
TOWN/CITY OF GLASTONBURY  
DISCHARGE CODE K

NOTE: THIS SHEET IS NOT PART OF THE ORDER AND IS ONLY ATTACHED TO THE ORIGINAL ORDER WHICH IS RETAINED IN SEPARATE DEP FILES WHICH ARE ACCESSIBLE TO THE PUBLIC WITH CLOSE SUPERVISION. THE ORDER MUST BE MAILED TO THE RESPONDENTS BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE RESPONDENT IS A BUSINESS, SEND A CERTIFIED COPY OF THE ORDER TO THE BUSINESS ALONE AND A PLAIN COPY TO THE ATTENTION OF A PERSON AT THE BUSINESS.

Certification of Mailing

On \_\_\_\_\_, 19\_\_, at \_\_\_:\_\_\_ a.m./p.m., I mailed a certified copy of Order No. SRD\_ to the following, by placing it in the U.S. mail/interdepartment mail:

On \_\_\_\_\_, 19 \_\_, at \_\_\_:\_\_\_ a.m./p.m., I mailed a plain copy of Order No. SRD to the following, by placing it in the U.S. mail/interdepartmental mail:

\*  
\*

DATE