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Affirmative Action/Equal Opportunity Employer

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : *SPILL CASE NO. 2010-01997*

E-SQUARE INVESTMENTS, LLC
(50 Alba Dr., Bristol) : *May 12, 2014*

FINAL DECISION

On May 9, 2014, E-Square Investments, LLC and staff of the Department of Energy and Environmental Protection submitted a “Joint Agreement For Disposition of Lien Proceeding” (Agreement), signed by both parties, pursuant to Regs., Conn. State Agencies § 22a-3a-6(l) (attached as [appendix 1](#)). The Commissioner has delegated final decision making authority to the Department’s Office of Adjudications and its hearing officers in limited circumstances. Included in this delegation is the authority to issue final decisions in “liens, pursuant to [General Statutes] § 22a-452a.” Delegation of Authority, July 12, 2011, § VIII, F. 4. c. ii.

I have reviewed the Agreement and the statutes and regulations relevant to this matter. I hereby adopt the Agreement reached by the parties as my final decision in this matter. Pursuant to the agreement of the parties and the authority delegated to me, I direct the parties to comply with the order set forth in section C.1. of the Agreement, which shall have the full force of a final decision of this Department.

A handwritten signature in blue ink, appearing to read "Brendan Schain".

Brendan Schain, Hearing Officer

IN THE MATTER OF : *SPILL NO. 2010-01997*

E-SQUARE INVESTMENTS, LLC
(50 ALBA DRIVE, BRISTOL)

: *DATE MAY 9, 2014*

JOINT AGREEMENT FOR DISPOSITION OF LIEN PROCEEDNG

The undersigned parties to this contested case submit for consideration the following agreement to dispose of this matter without further proceedings pursuant to Regs., Conn. State Agencies § 22a-3a-6(l). The parties recommend that the following joint stipulations and orders be incorporated into the final decision of the Commissioner of the Department of Energy and Environmental Protection in this matter.

A. Joint Stipulation of Facts

1. On or about April 5, 2010 the Department of Energy and Environmental Protection (“DEEP”), Emergency Response and Spill Prevention Division responded to a discharge of petroleum from an oil and water separator located in the backyard of 50 Alba Drive in Bristol (hereinafter referred to as “Property”). This discharge also impacted the adjoining property located at 40 Alba Drive.
2. As a result of said discharge, DEEP incurred cleanup costs in the amount of \$101,902.58, as per Exhibit “A” attached hereto.
3. DEEP has not been reimbursed for these costs and, in accordance with CGS § 22a-451(b), is entitled to administrative costs of \$10,190.26.
4. E-SQUARE INVESTMENTS, LLC is the present owner of the Property and will also be referred to as the Owner in the remainder of this document.
5. As a result of the unreimbursed cleanup costs incurred by DEEP and the associated administrative costs, the Owner owes DEEP the sum of \$112,092.84 (the “DEBT”) and DEEP may secure payment of this DEBT by filing a certificate of lien in accordance with § 22a-452a.
6. On or about December 2, 2013 DEEP provided a Notice of Intent to File a Certificate of Lien on the property to the Owner under the authority of and in full compliance with §22a-452a(c).
7. On or about December 30, 2013 the Owner filed a timely request for a hearing, thereby commencing the present contested case.

8. The parties received proper notice and appeared in this matter.

B. Agreement

1. The parties agree that there was probable cause for filing this lien and waive any right to a hearing on this issue they may have under § 22a-452a(c)(2) and any right to further hearing on a reduction or discharge of the lien under § 22a-452a(e).
2. In consideration of the receipt by the Commissioner of the sum of \$40,000.00 from the Owner of the Property, the DEBT will be deemed to be satisfied in full and no lien need be filed.
3. Upon execution of this agreement, the Owner shall pay to the DEEP prior to the submission of this Agreement to the Hearing Officer for approval the sum of Forty thousand and 00/100 (\$40,000.00) via cashier's check made payable to the Commissioner of the Department of Environmental Protection. Said sum shall be held in escrow by the Commissioner pending entry of the order in paragraph C1 of this agreement as a final decision in this matter, at which time said sum may be immediately deposited by DEEP to satisfy the financial obligation of this order.
4. The Owner represents and agrees that it fully understands its right to discuss any and all aspects of this Agreement with an attorney or other representative.

C. Order

In accordance with Regs. Conn. State Agencies § 22a-3-6(l) the parties stipulate and agree that the Commissioner shall issue the following order as part of his final decision and agree to abide by these orders and its adoption as a final decision in this matter:

1. Full and timely payment from the Owner submitted in full and in accordance with paragraph B3 above shall constitute full and final payment of the DEBT and the DEEP shall accept such payment as a full discharge of the lien on the Property and shall not file any lien on the Property to secure the DEBT which it has a right to file under §22a-452a in order to secure payment of the DEBT.

ACCEPTED and AGREED to on the ___ day of May, 2014.


E-SQUARE INVESTMENTS, LLC



BY: Chandler Echols, Its Founder

State of Connecticut :
County of Middlesex : ss. Portland

On this the 8th day of May, 2014, before the undersigned officer, personally appeared Chandler Echols, who acknowledged himself to be the Founder of E-SQUARE INVESTMENTS, LLC, a Connecticut limited liability company, and that he, as such founding member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as the founding member..


Commissioner of the Superior Court
Anthony J. Palermiro

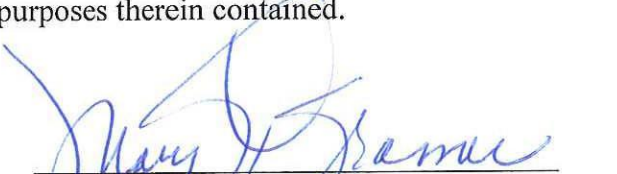
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION



BY: Melinda M. Decker

State of Connecticut :
County of Hartford : ss. Hartford

On this the 9th day of May, 2014, before, the undersigned officer, personally appeared Melinda M. Decker, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.


Notary Public
My Commission Expires: 2/28/2018



D.E.E.P. Cost Recovery SpillCase Detail Report

Connecticut Department of Energy and Environmental Protection
Environmental Cleanup Cost Recovery Program
Bureau of Financial & Support Services

Costs and Expenses for Environmental Services
SpillCase #: 2010-01997
Site: 40 Alba Drive
Town: Bristol
Date: 4/5/2010
Resp Party(s): 1). KIT & LELAND PLOURDE/OWNER OF 50 AL
2). E-Square Investments, LLC
Interest Rate: 10.0000%
SpillFund / Non SpillAccount Funding Ratio 100% / 0%
Status: Collection
First Notice: 09-29-2010
Int. Accrd from: 10-29-2010
Note Exemptions: E1=Interest, E2=Admin E3=Recovery

EXHIBIT "A"

Running Balance = Principal \$ + No Int Bal \$
Principal \$ No Int. Bal \$ Acc. Bal \$ Acc Interest \$ Int. Owed \$ Admin \$ Admin Bal \$ Payment \$ Int. Paid \$ Prin Paid \$

Rec. Type Contractor Work Effort E1 E2 E3 Date Days Invoice No. Advance \$ Principal \$ No Int. Bal \$ Acc. Bal \$ Acc Interest \$ Int. Owed \$ Admin \$ Admin Bal \$ Payment \$ Int. Paid \$ Prin Paid \$

Rec. Type	Contractor	Work Effort	E1	E2	E3	Date	Days	Invoice No.	Advance \$	Principal \$	No Int. Bal \$	Acc. Bal \$	Acc Interest \$	Int. Owed \$	Admin \$	Admin Bal \$	Payment \$	Int. Paid \$	Prin Paid \$		
Advance	UNITED INDUSTRIAL	Waste Disposal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/14/10	0	50866	280.26	280.26	280.26										
4019	No																				
Advance	Connecticut Tank Re	Hand excavate to located broken 1 1/2" Vacuum water from excavation and sump, repair broken pipe and backfilled.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/23/10	40	115601	2,352.62	2,632.88											
4019	No																				
Accrual						10/29/10	128														263.29
Advance	Connecticut Tank Re	Mark out, dig seven in basement, take samples. Check sump in house next door inventory drums in shed.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12/18/10	50	116391	59,349.45	61,982.33											
4019	No																				
Advance	PHOENIX ENVIRON	Analytical	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	01/12/11	25	328266	100.00	62,082.33											
4019	No																				
Advance	PHOENIX ENVIRON	Analytical	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	01/12/11	0	326790	350.00	62,432.33											
4019	No																				
Advance	PHOENIX ENVIRON	Analytical	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	01/12/11	0	328149	300.00	62,732.33											
4019	No																				

Transactions Frozen On: N/A
Accrued To: 03-05-2014
Accrual Stopped On: N/A
Wednesday, March 05, 2014

Case identity is D.E.E.P. SpillCase 2010-01997
Direct financial inquiries to D.E.E.P. Bureau of Financial & Support Services
Environmental Cleanup Cost Recovery
79 Elm Street
Hartford, CT 06106-5127

Rec. Type	Contractor	Work Effort	E1	E2	E3	Date	Days	Invoice No.	Advance \$	Principal \$	No Int. Bal \$	Acc. Bal \$	Acc Interest \$	Int. Owed \$	Payment \$	Admin Bal \$	Admin Paid \$	Prin Paid \$	
4019	No	Plumb out sump pump	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	02/10/11	29	116676	1,492.60	64,224.93						149.26	6,422.49		
4019	No	UNITED INDUSTRIAL Waste Disposal	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	02/17/11	7	61422	626.85	64,851.78						62.69	6,485.18		
4019	No	Utilize turbo vac to excavate contaminated soil and rocks from under basement. Put waste into container for disposal.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/01/11	104	116518	37,050.80	101,902.58						3,705.08	10,190.26		
4019	No																		
AccruedTo	No					03/05/14	1008			101,902.58							10,190.26		

SpillFund Totals \$	Advance \$	Principal \$	No Int. Bal \$	Accrual Bal \$	Int. Owed \$	Payment \$	Admin Bal \$	Admin Paid \$	Prin Paid \$
101,902.58	101,902.58	101,902.58	0.00	0.00	0.00	0.00	10,190.26	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total \$	101,902.58	101,902.58	0.00	0.00	0.00	0.00	10,190.26	0.00	0.00

SpillFund Payoff: \$112,092.84
 Non SpillFund Payoff: \$0.00
 Total Payoff: \$112,092.84

This document summarizes the D.E.P.'s costs and expenses for environmental services. Costs are recoverable pursuant to state law and Federal law; reference Connecticut General Statutes: 22a-56a, 22a-133g, 22a-448, 22a-449, 22a-450, 22a-451, 22a-452, 22a-471 and the Federal Oil Pollution Act of 1990.

Case identity is D.E.P. SpillCase 2010-01997
 Direct financial inquiries to D.E.P. Bureau of Financial & Support Services
 Environmental Cleanup Cost Recovery
 79 Elm Street
 Hartford, CT 06106-5171

E-SQUARE INVESTMENTS, LLC

**RESOLUTION BY UNANIMOUS CONSENT IN LIEU OF MEETING OF THE ONE FOUNDER AND ALL
OF THE MEMBERS OF E-SQUARE INVESTMENTS, LLC**

E-Square Investments, LLC, a domestic limited liability company registered and doing business in the State of Connecticut, hereby resolves, as follows:

RESOLVED-that E-Square Investments, LLC is the owner of residential property located at 50 Alba Drive, Bristol, CT;

RESOLVED-that the Department of Energy and Environmental Protection of the State of Connecticut filed a NOTICE OF INTENT TO FILE A CERTIFICATE OF LIEN, SPILL CASE NO. 2010-01997, against the property of E-Square Investments, LLC at 50 Alba Drive, Bristol, CT, claiming expenses and administrative costs incurred and unreimbursed as a result of a spill emanating from the property on or about April 5, 2010;

RESOLVED-that a Status Conference was held on January 16, 2014 before Hearing Officer Brendan Schain at the Department of Energy and Environmental Protection, Hartford, CT at which time E-Square Investments, LLC and the DEEP appeared with counsel, agreed that all appropriate notices and requests for hearing had been filed, and requested an extension of time to pursue settlement of the claim of Spill Case No. 2010-01997;

RESOLVED-that settlement conferences were held by the parties in person and by telephone conferences and electronic mail and, a settlement of Spill Case No. 2010-01997 was reached;

RESOLVED-that the Department of Energy and Environmental Protection and E-Square Investments, LLC have reached the following terms of settlement of all issues between the DEEP and E-Square Investments, LLC:

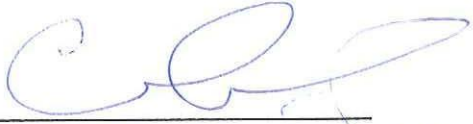
1. Payment by E-Square Investments, LLC of the sum of Forty Thousand Dollars (\$40,000.00) to the DEEP in full settlement of all claims in Spill Case No. 2010-01997 concerning 50 Alba Drive, Bristol, CT;
2. Execution of a Joint Agreement For Disposition of Lien Proceeding between DEEP and E-Square Investments, LLC of Spill Case No. 2010-01997 concerning 50 Alba Drive, Bristol, CT and/or E-Square Investments, LLC as of the date of the execution of the settlement agreement;

RESOLVED-that CHANDLER R. ECHOLS, sole Founder of E-Square Investments, LLC be authorized to take any and all actions, including but not limited to payment to DEEP and execution of a Joint Agreement For Disposition of Lien Proceeding effectuate settlement of Spill Case No. 2010-01997 as described in this Resolution by Unanimous Consent;

NOW, THEREFORE BE IT RESOLVED BY UNANIMOUS CONSENT OF THE SOLE FOUNDER AND ALL OF THE MEMBERS IN LIEU OF A MEETING that CHANDLER R. ECHOLS is authorized to make payment to

the DEEP of FORTY THOUSAND DOLLARS (\$40,000.00) and execute a Joint Agreement For Disposition of Lien Proceeding for Spill Case No. 2010-01997 and, to take any other actions in furtherance of this document:

E-SQUARE INVESTMENTS, LLC

A handwritten signature in blue ink, appearing to read 'C. Echols', written over a horizontal line.

CHANDLER R. ECHOLS, FOUNDER 5/8/14

SERVICELIST

E-Square Investments, LLC (50 Alba Dr.) – Spill Case No.: 2010-01997

PARTY

REPRESENTED BY

The Respondent

E-Square Investments, LLC
7 Scenic Dr.
Portland, CT 06480

Anthony J. Palermino, Esq.
168 Centerwood Rd.
Newington, CT 06111
(860) 798-0326
tonypal@cox.net

Joseph D. Marino, Esq.
262 Marlborough St.
P.O. Box 167
Portland, CT 06480
(860) 342-2650
Joseph.d.marino@snet.net

Department of Energy and Environmental Protection

Bureau of Central Services
(Collection/Cost Recovery)
79 Elm Street
Hartford, CT 06106

Melinda Decker, Esq.
Office of Legal Counsel
Department of Energy and Environmental
Protection
79 Elm St.
Hartford, CT 06106
(860) 424-3859
melinda.decker@ct.gov