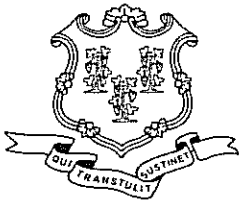


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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
V.
TOWN OF LEBANON

CONSENT ORDER

A. With the agreement of the Town of Lebanon, the Commissioner of Environmental Protection ("the Commissioner") finds:

- 1. The Commissioner issued Order No. WC4468 to the Town of Lebanon ("Municipality") on November 20, 1986 citing that a community pollution problem can reasonably be anticipated to occur in the future. This Order required the Municipality to evaluate the existing and future wastewater disposal needs of the Amston Lake area and to implement the approved recommendations of the study. This consent order supersedes Order No. WC4468, which is hereby revoked.
2. On August 3, 2006, the Municipality entered into a contract with Wright-Pierce to prepare the study required in paragraph 2.C of Order No. WC4468.
3. On November 13, 2007, the Board of Selectmen approved the Wright-Pierce study which recommended sewerage the Amston Lake area.
4. On October 16, 2008, the Municipality submitted to the Commissioner the study entitled "Amston Lake Wastewater Management Study for the Town of Lebanon, Connecticut" dated November 2007 by Wright-Pierce. This study identified specific areas within the Amston Lake area of the Municipality which could not support onsite wastewater treatment and required conveyance of the wastewater to an offsite facility for treatment and disposal. The Wright-Pierce recommendation was to construct sanitary sewers in the Amston Lake area and to connect those sanitary sewers into the existing sanitary sewer collection system in the Town of Hebron.
5. In December of 2008, the Municipality passed an ordinance creating a Water Pollution Control Authority under Section 7-246 of the Connecticut General Statutes.
6. In May of 2009, the Board of Selectmen appointed members to the Water Pollution Control Authority.
7. On April 8, 2009, the Department of Environmental Protection issued a Notice of Violation to the Municipality for not maintaining the implementation schedule submitted by the Municipality in the Wright-Pierce study identified in paragraph A.4 above.

8. On August 28, 2009, the Water Pollution Control Authority submitted a revised draft implementation schedule to the Commissioner for the construction of sanitary sewers for the Amston Lake area.
 9. The Municipality has not implemented any structural solutions to address the wastewater disposal problems identified in the Wright-Pierce study.
 10. By virtue of the above, a community pollution problem exists or can reasonably be anticipated in the future.
- B. The Commissioner, acting under Sections 22a-6, 22a-424, 22a-427, and 22a-428, of the Connecticut General Statutes, orders the Municipality as follows:
1. a. On or before June 30, 2010, the Municipality shall hold a referendum for funding the sanitary sewer project identified under paragraph A.4 above (i.e., construct sanitary sewers in the Amston Lake area and to connect those sanitary sewers into the existing sanitary sewer collection system in the Town of Hebron).
 - b. On or before August 31, 2010, the Municipality shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this order and shall, by that date, notify the Commissioner in writing of the identity of such consultants. The Municipality shall retain one or more qualified consultants acceptable to the Commissioner until this order is fully complied with, and, within ten days after retaining any consultant other than one originally identified under this paragraph, the Municipality shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained shall be a qualified professional engineer licensed to practice in Connecticut and shall be acceptable to the Commissioner. The Municipality shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this 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.
 - c. On or before July 31, 2011, the Municipality shall submit to the Commissioner for review and written approval the contract plans and specifications for sanitary sewers identified in paragraph A.4 above, a list of all permits and approvals required for the construction of sewers, and a schedule for applying and obtaining such permits and approvals.
 - d. On or before October 31, 2011, the Municipality shall enter into a construction contract for the construction of sanitary sewers as identified in

paragraph A.4 above.

- e. On or before December 31, 2012, the Municipality shall have completed the construction of the sanitary sewers identified in paragraph A.4 above and provide written notification to the Commissioner that the sanitary sewer system is operational.
2. Full compliance. The Municipality shall not be considered in full compliance with this order until all actions required by this order have been completed as approved and to the satisfaction of the Commissioner.
3. Approvals. The Municipality shall use best efforts to submit to the Commissioner all documents required by this order in a complete and approvable form. If the Commissioner notifies the Municipality that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Municipality 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 days of the Commissioner's notice of deficiencies. In approving any document or other action under this 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 order. Nothing in this paragraph shall excuse noncompliance or delay.
4. Definitions. As used in this order, "Commissioner" means the Commissioner or an agent of the Commissioner.
5. Dates. The date of submission to the Commissioner of any document required by this order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this order, the word "day" as used in this order means calendar day. Any document or action which is required by this 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 on or before the next day which is not a Saturday, Sunday, or Connecticut or federal holiday.
6. Notification of noncompliance. In the event that the Municipality becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this order or of any document required hereunder, the Municipality shall immediately notify the Commissioner 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. In so notifying the Commissioner, the Municipality shall state in writing 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 the Municipality shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Municipality 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.

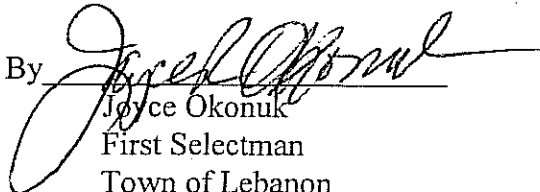
7. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this order shall be signed by a principal executive officer or ranking elected official or a duly authorized representative of such person, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
8. Noncompliance. Failure to comply with this order may subject the Municipality to an injunction and penalties under Chapters 439, and 445 or 446k of the Connecticut General Statutes.
9. False statements. Any false statement in any information submitted pursuant to this order may be punishable as a criminal offense under Section 22a-438 or 22a-131a of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.
10. Notice of transfer; liability of the Municipality and others. Until the Municipality has fully complied with this order, the Municipality shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the operations which are the subject of this order, the site or the business, or obtaining a new mailing or location address. The Municipality's obligations under this order shall not be affected by the passage of title to any property to any other person or municipality. Any future owner of the site may be subject to the issuance of an order from the Commissioner.
11. Commissioner's powers. Nothing in this 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

violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by the Municipality pursuant to this order have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding to require the Municipality to undertake further investigation or further action to prevent or abate pollution.

12. The Municipality's obligations under law. Nothing in this order shall relieve the Municipality of other obligations under applicable federal, state and local law.
13. No assurance by Commissioner. No provision of this 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 Municipality pursuant to this order will result in compliance or prevent or abate pollution.
14. No effect on rights of other persons. This order shall neither create nor affect any rights of persons who or municipalities which are not parties to this order.
15. Notice to Commissioner of changes. Within fifteen days of the date the Municipality becomes aware of a change in any information submitted to the Commissioner under this order, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Municipality shall submit the correct or omitted information to the Commissioner.
16. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. George V. Hicks, P.E.
Department of Environmental Protection
Bureau of Water Protection & Land Reuse
Planning & Standards Division
79 Elm Street
Hartford, Connecticut 06106-5127

The Town of Lebanon consents to the issuance of this consent order without further notice. The undersigned certifies that she is fully authorized to enter into this consent order and to legally bind the Town of Lebanon to the terms and conditions of the consent order.

By  12/1/09
Joyce Okonuk
First Selectman
Town of Lebanon

Issued as a consent order of the Commissioner of Environmental Protection on _____, 2009.

Amey Marrella.
Commissioner

ORDER NO. WC 000 5663
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TOWN OF LEBANON