



NOTICE OF NON-COMPLIANCE
#LIS-2023-4736-V

Sent Via Certified Mail

To: Vincent Giordano, President
Pine Orchard Association
180 Pine Orchard Road
Branford, CT 06405

Re: Notice of Non-Compliance #LIS-2023-4736-V

Site: Terminus of Crescent Bluff Ave, Branford, CT

Dear Mr. Giordano:

On October 3, 2023, the Department of Energy & Environmental Protection ("DEEP") Land and Water Resources Division ("LWRD") conducted a site inspection at the above-subject property in response to a complaint. Based upon that inspection, LWRD staff identified that a new set of concrete steps with a rubber surface, measuring approximately 2' high by 4.5' long by 2.5' deep, were installed at the western side of an existing concrete landing and stairway. DEEP License #202303146-COP (copy attached) was issued on July 10, 2023 to the Pine Orchard Association to relocate the aforementioned concrete landing and stairway to the east, but did not authorize the new concrete stairs to the west. The associated plans show the new concrete steps were constructed below the Coastal Jurisdiction Line elevation of 4.3' NAVD88 and with the apparent littoral area of 2 Crescent Bluff Avenue. Therefore, the new steps were constructed out of compliance with DEEP License #202303146-COP and without authorization as required by Connecticut General Statutes Section 22a-361.



*Existing site conditions as shown in permit application
202303146-COP*



*Unauthorized concrete steps with
rubber surface*



ADVICE TO RECIPIENTS OF NOTICES OF NON-COMPLIANCE

Read the Notice of Non-Compliance: It tells you:

- ! what activity you have conducted or what condition on your property is causing or may result in damage to the environment;
- ! the environmental laws you are not complying with;
- ! in some cases, what action you need to take to address the environmental problem;
- ! how quickly DEEP expects you to take action; and
- ! who to contact if you have a question or problem.

Do Not Cause Additional Problems: Make sure that you do not engage in activity that might result in further environmental harm.

Follow the Deadlines: If you can't meet the deadlines provided in the Notice of Non-Compliance, call the contact person. Explain why you can't meet the deadline. Staff will explore with you the feasibility of alternate deadlines.

Cooperate with DEEP: Generally, DEEP's first attempt to resolve the types of violations alleged in this case is through the issuance of a Notice of Non-Compliance. If you disregard this notice, it will be assumed you do not wish to cooperate and you should expect that DEEP will take more formal enforcement action. This can include issuing a notice of violation, administrative order, and/or filing suit to obtain an injunction and penalties as provided by law. The most important thing to remember is to call DEEP if you have any questions.

Call if you don't Understand: A DEEP staff name and telephone number are given at the end of the Notice of Non-Compliance. Staff is there to try to answer your questions and work with you to resolve the environmental compliance issue. In some cases you may need to obtain the services of a professional consultant to plan and implement effective corrective measures. DEEP staff can discuss with you the kind of professional help you may need to address the alleged violation cited in the notice.

Should you want to contact the Supervising Analyst of the Land and Water Resources Division about this matter, please contact Brian Golembiewski at (860) 424-3867 or brian.golembiewski@ct.gov.

***The Notice of Non-Compliance does not necessarily specify all environmental violations which may exist at your property regulated by the Department. Nothing in the Notice relieves you of other obligations under applicable federal, state and local law.**



We are seeking your cooperation in bringing the site into compliance by performing the following actions:

- (1) Within thirty (30) days of issuance of this Notice, please remove by hand the unauthorized concrete steps and relocate all materials to a location landward of the CJL. Within fifteen (15) days of removal, submit photographic evidence to Katharine.Becker@ct.gov showing the concrete steps have been removed.
- (2) Within thirty (30) calendar days of issuance of this Notice, please sign and submit the enclosed Compliance Statement. Please send the Compliance Statement and supporting documentation by email to Katharine Becker at Katharine.Becker@ct.gov. Until DEEP has received such statement and documentation, the Department will presume the sites remains in violation.

In addition, you should be aware that any work in tidal wetlands or waterward of the state's coastal jurisdiction line in tidal, coastal or navigable waters of the State without proper authorization is a violation of state law and is subject to enforcement actions by the Department of Energy and Environmental Protection and the Office of the Attorney General.

Failure to take these actions may result in further enforcement action by the Department, including, but not limited to the suspension of DEEP License #202303146-COP pursuant to Regulations of Connecticut State Agencies Section 22a-3a-5 (d).

If you have any questions regarding this notice, please contact Katharine Becker, Environmental Analyst III of the Land and Water Resources Division at (860) 424-3763 or at Katharine.Becker@ct.gov.

Sincerely,

Jeffrey Caiola, Assistant Director
Land and Water Resources Division
Bureau of Water Protection and Land Reuse

Date of Issuance: 12/13/2023

Enclosures: Compliance Statement
Guidance to Recipients of Notices

cc: Kevin Kotelly, USACE Kevin.R.Kotelly@usace.army.mil
John Lust, johnblustjr@gmail.com
Emily Herz, DEEPLWRD, Emily.Herz@ct.gov



COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (if an individual-the individual signs); (if a corporation or partnership-by a responsible corporate officer/general partner 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); or (if a municipality-chief elected official or principal executive officer) and (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the staff contact identified on the Notice of Violation.

Notice of Non-Compliance No. LIS-2023-4736-V
Land and Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

In accordance with the directions in the above-referenced Notice of Non-Compliance, I certify that the noted violations have been corrected or will be corrected in the following manner:

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certificate of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

* Jan 12, 2023
Date

203-410-4428
Telephone

Email

Date

Telephone

Email

Vincent J. Giordano
Signature: Vincent Giordano

President, Pine Orchard Association

180 Pine Orchard Rd
Address
Branford, CT 06405

Preparer's Signature, if different from above

(Type name and Title)

Address

* Lyon Construction to remove steps NLT Jan 19, 2023