

CITY OF NORWALK
AQUIFER PROTECTION AGENCY - SPECIAL MEETING MINUTES
June 5, 2024

PRESENT: Louis Schulman, Chair; Tammy Langalis; Nick Kantor; Galen Wells; Richard Roina; Ana Tabachneck; Diana Lenkowsky; Chapin Bryce and Jacquen Jordan-Byron (arrived after the roll call)

STAFF: Alexis Cherichetti

OTHERS: Andy Soumelidis

I. CALL TO ORDER

The meeting was called to order at 5:30 p.m. It should be noted that this meeting was held on Zoom.com with participants calling in, separately.

II. ROLL CALL

Ms. Cherichetti called the roll. She explained to everyone that as a commissioner of the Planning & Zoning Commission, they also held a dual role as a commissioner of the Aquifer Protection Agency. She then briefly described the Aquifer Protection Agency program before they began the meeting. At this point, Mr. Bryce and Ms. Jordan-Byron joined the meeting.

III. SEATING OF MEMBERS

IV. ENFORCEMENT ACTIONS

a) #APV24-42 – 2 Muller Avenue – SLI Norwalk LLC – Show-Cause Hearing
- Operation of facility with regulated activities in non-compliance with the terms and conditions of APA Permits PA#16-01 and PA#19-03 and Registration #APA19-01

Ms. Cherichetti began the discussion by explaining that the statute requires that the Agency hold a show cause hearing within 10 days of the issuance of an order. The show cause hearing is designed to give the respondent an opportunity to present information to the Aquifer Protection Agency. She would begin with an explanation to why she issued the order. The respondent, represented by Andy Soumelidis, would then be invited to provide additional information about the situation. At the conclusion of the presentation, the commissioners could withdraw the order, if they believed that there was not a violation of the regulations, uphold the order, or amend and uphold the order.

Ms. Cherichetti gave a brief overview of the facility and actions taken by her office. She noted that the facility is currently in the 5th year of a 5-year registration period which will expire in July. She noted the facility will receive a notification that they must register again. The facility is operating under two APA permits. The current facility owner was not the owner in 2009 when the Aquifer protection regulations were adopted. In 2018 a new facility owner received the first Aquifer permit which allowed them to dispense fuel for fleet vehicles. Later, Sean's Lawns moved onto the site, and added the repair of vehicles to the uses on the site. She gave a brief history of the notice of violation and order. She explained that the stormwater capture and treatment system that was on the approved plans was never completed. The directives in the order were to immediately cease all regulated activities at the premises and all site improvements be completed by July 22, 2024.

There was a discussion about the respondent's registration date renewal as well as the directive order's completion date. If the work has been completed the registration will be accepted. The violation was based on the lack of implementation of an approved plan. There was also a discussion as to what could happen moving forward if the respondent is still in non-compliance. There was a discussion as to why it took so long to get to the point that they received the order. There was also a discussion about adding a punitive aspect to the regulation in order to enforce the regulations. Mr. Schulman suggested that Ms. Cherichetti return to the commission in the summer to discuss fine options.

Andy Soumelidis said that they would get the improvements done by July 22. He had spoken with his client and confirmed that the work would be completed.

Mr. Schulman closed the hearing. He also said that they uphold the order that Ms. Cherichetti recommended. Mr. Roina also asked that the order be upheld and had concerns about the drinking water that he also recommended that the regulations be made more stringent. Mr. Schulman requested that the chair of the Council Ordinance Committee be at the meeting with Ms. Cherichetti. There was a discussion about how the order should have been done before the registration was about to expire. This discussion item would be put on the agenda as well.

V. DISCUSSION & DECISION

b) #APV24-42 – 2 Muller Avenue – SLI Norwalk LLC – Operation of facility with regulated activities in non-compliance with the terms and conditions of APA Permits PA#16-01 and PA#19-03 and Registration #APA19-01

**** MR. ROINA MADE A MOTION TO UPHOLD THE ORDER FOR #APV24-42 – 2
MULLER AVENUE.**

Ms. Langalis seconded.

**Louis Schulman; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron;
Richard Roina; Tammy Langalis; Ana Tabachneck; Nick Kantor; Darius
Williams approved.**

No one opposed.

No one abstained.

VI. ADJOURNMENT

Ms. Jordan-Byron made a Motion to Adjourn.

Mr. Roina seconded.

**Louis Schulman; Galen Wells; Chapin Bryce; Jacquen Jordan-Byron;
Richard Roina; Tammy Langalis; Ana Tabachneck; Nick Kantor; Darius
Williams approved.**

No one opposed.

No one abstained.

The meeting was adjourned at 6:03 p.m.

Respectfully submitted,

Diana Palmentiero