



**NOTICE OF VIOLATION
#LIS-2019-4130-V**

St. Clements Marina
Attn: Mr. Bill Jordan
The Roncalli Institute, Inc.
P.O. Box 427
Portland, CT 06480



The purpose of this Notice is to inform you that personnel of the Department of Energy & Environmental Protection ("DEEP") Land and Water Resources Division have made observations or otherwise obtained information indicating that a violation of law has occurred at Saint Clements Marina at 49 Oakum Dock Road in East Hampton, CT.

On July 26, 2019, staff of the Department of Energy and Environmental Protection ("DEEP") received "as-built" plans for the site referenced above pursuant to item #20 in the Terms and Conditions section of Certificate of Permission ("COP") #201404770-SB. Upon reviewing the "as-built" plan, DEEP staff identified components of the structures that potentially differed from what was authorized under COP #201404770-SB. Additionally, the fishing pier structure was not included in the submitted "as-built" plan.

On August 22, 2019, the Department conducted a field inspection and DEEP staff identified multiple compliance issues at the site in violation of the issued COP. Specifically, staff observed a fishing pier measuring approximately 36' long by 30' wide. According to the COP, the measurement of the length of the pier must begin where the pre-2013 pier began. It appeared that the length from this point to the terminus of the pier measured approximately 36'. The width of the pier measured approximately 30' and does not comply with COP #201404770-SB, which specifies a 20' width.

Additionally, within the marina basin, DEEP staff observed an approximately 85' long series of floating docks and four (4) 12" diameter pilings along the North end of the basin connecting two main Western and Eastern floating dock systems. This structure is not authorized pursuant to COP #201404770-SB. DEEP staff observed an approximately 30' long series of floats on the Eastern floating dock system which extend past the currently un-used travel lift structures. This structure is not authorized pursuant to COP #201404770-SB. The dimensions of the finger floats measured approximately 4' wide by 30' long. These measurements do not comply with COP #201404770-SB, which specifies the finger floats to be 3' wide by 27' long. Staff observed a zig-zag ramp, and associated supportive structures including a floating dock landing in the Northwest corner of the basin. This structure does not comply with COP #201404770-SB, which specifies a straight 4' wide by 15' long ramp. A total of approximately twenty-four (24) 12" diameter pilings were observed along the East and West main float systems. This does not comply with COP #201404770-SB which specified a total of nine (9) 12" diameter pilings.

See Tables 1 and 2 for a summary of these observations.

Table 1:

Fishing Pier	Observations (approximate)	Authorized
Pier Dimensions	30' wide x 36' long	20' wide x 36' long

Table 2:

Marina	Observations (approximate)	Authorized
North Floating Dock Connection	85' long series of floats	Not authorized
Floating Dock Connection Pilings	(4) 12" diameter	Not authorized
Floating Docks along lift system	30' long series of floats	Not authorized
Finger Floats	(8) 4' wide x 30' long series	(19) 3' wide x 27' long
East & West Dock System Pilings	(24) 12" diameter	(9) 12" diameter
Ramp	(1) zig-zag with 2 landings	(2) straight 4' x 15'

This additional work has been conducted without authorization required by Connecticut General Statutes (CGS) sections 22a-361 and 22a-32 and out of compliance with COP #201404770-SB.

Consequently, the Department seeks your cooperation in addressing the above noted concern by performing the following actions:

1. Within thirty (30) calendar days of issuance of this Notice, submit an "as-built" plan of the fishing pier to the Department in order to definitively determine compliance with COP #201404770-SB. This survey must be prepared by a third party, and must include the work area showing all tidal datum and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor, or architect, as applicable, who is licensed in the State of Connecticut.
2. Within sixty (60) calendar days of issuance of this Notice, please submit a COP application to seek authorization for all of the work completed at the site discussed above out of compliance with COP #201404770-SB. Application materials can be downloaded at <http://www.ct.gov/deep>. In accordance with CGS section 22a-361(a)(2), you will need to pay four times the application fee for failing to obtain authorization for the work completed out of compliance with COP #201404770-SB. In addition, the Department may require you to enter into a Consent Order and pay a civil penalty for the unauthorized work completed at the site.
3. Within twenty-one (21) calendar days of issuance of this notice, you must submit the enclosed Compliance Statement identifying the action(s) you have taken or are proposing to take to bring the site into compliance. The submittal should be made on the enclosed



Compliance Statement and sent to the contact person identified in paragraph D. below. Until the DEEP has received such a statement, the DEEP will presume you remain in violation.

A. Other violations may exist; legal obligations. This Notice does not necessarily specify all violations of Connecticut environmental law or violations of any other legal requirements which may exist at the aforementioned property. This Notice does not preclude DEEP or other state, local or federal agencies from commencing any enforcement action regarding any such violations. Your facility may be inspected again pursuant to law and without additional prior notice to determine compliance with state and any applicable federal law. It is your responsibility to comply with all legal requirements, whether or not the DEEP notifies you of any violations or takes any enforcement action against you. Nothing in this Notice relieves you of other obligations under applicable federal, state and local law.

B. Enforcement action. Penalties of up to \$1,000.00 may be assessed for each day of each violation under CGS sections 22a-361 and 22a-32. Notwithstanding the issuance of this Notice, DEEP may seek such penalties and may issue an order, seek an injunction, or take other legal action under CGS Chapters 439 and 446 or pursuant to sections 22a-6b-1 through 22a-6b-15 of the Regulations of Connecticut State Agencies.

C. No assurance by Commissioner. No provisions of this Notice and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that actions you may take to address the violation(s) alleged herein will result in compliance.

D. Staff contact. If you have any questions regarding this Notice, please contact Crystal Taylor of the Land & Water Resources Division (860) 424-3465, 79 Elm St., Hartford, CT 06106-5127, crystal.taylor@ct.gov.

Sincerely,

Brian P. Thompson, Director
Land and Water Resources Division
Bureau of Water Protection and Land Reuse

Date September 20, 2019

Sent Certified Mail

✓ cc: Town of East Hampton Zoning Office

