

SUMMONS - CIVIL

(Except Family Actions)

JD-CV-1 Rev. 11-86
C.G.S. 51-348, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Sec. 49, 63, 66

SUPERIOR COURT

INSTRUCTIONS

1. Prepare on typewriter, sign original summons (top sheet) and conform copies of the summons (sheets 2, 3 and 4).
2. If there are more than two defendants, prepare or photocopy conformed summons for each additional defendant.
3. Attach the original summons to the original complaint, and attach a copy of the summons to each copy of the complaint. Also, if there are more than 2 plaintiffs or 4 defendants prepare form JD-CV-2 and attach it to the original and all copies of the complaint.
4. After service has been made by officer, file original papers and officer's return with the clerk of court.
5. The party recognized to pay costs must appear personally before the authority taking the recognizance.
6. Do not use this form for actions in which an attachment, garnishment or reply is being sought. See Practice Book Section 49 for other exceptions.

TO: Any proper officer, BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

*** ONE OF THE FOLLOWING:**
Amount, legal interest or property in demand, exclusive of interest and costs is:

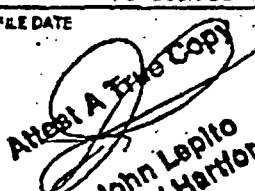
- less than \$2,500
- \$2,500 through \$14,999.99
- \$15,000 or more

(X) if applicable
Claiming other relief in addition to or in lieu of money or damages.

<input checked="" type="checkbox"/> JUDICIAL DISTRICT		AT (Town in which writ is returnable) (C.G.S. 51-348, 51-349)		RETURN DATE (Mo., day, yr.)	
<input type="checkbox"/> HOUSING SESSION		GA		Hartford	
ADDRESS OF COURT CLERK WHERE WRIT AND OTHER PAPERS SHALL BE FILED (C.G.S. 51-347, 51-350)			TELEPHONE NUMBER		CASE TYPE (From case type list - see back)
95 Washington Street, Hartford, CT 06106			548-2700		Major M Minor OO
PARTIES	NOTE: Individuals' Names: Last, First, Middle Initial	NAME AND ADDRESS OF EACH PARTY (No., street, town and zip code)	<input type="checkbox"/> Form JD-CV-2 attached		PTY NO.
FIRST NAMED PLAINTIFF	Rocque, Arthur J., Jr., Commissioner of Environmental Protection	79 Elm Street, Hartford, CT 06106			01
Additional Plaintiff					02
FIRST NAMED DEFENDANT	Northeast Utilities Service Company	107 Selden Street, Berlin, CT 06037			50
Additional Defendant	Northeast Nuclear Energy Company	107 Selden Street, Berlin, CT 06037			51
Additional Defendant					52
Additional Defendant					53

NOTICE TO EACH DEFENDANT

1. You are being sued.
2. This paper is a Summons in a lawsuit.
3. The Complaint attached to these papers states the claims that each Plaintiff is making against you in this lawsuit.
4. To respond to this Summons, or to be informed of further proceedings, you or your attorney must file a form called an "Appearance" with the Clerk of the above-named Court at the above Court address on or before the second day after the above Return Date.
5. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default.
6. The "Appearance" form may be obtained at the above Court address.
7. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately take the Summons and Complaint to your insurance representative.
8. If you have questions about the Summons and Complaint, you should consult an attorney promptly. The Clerk of Court is not permitted to give advice on legal questions.

DATE		SIGNED (Sign and X proper box)		<input checked="" type="checkbox"/> Comm. of Superior Court		TYPE IN NAME OF PERSON SIGNING AT LEFT	
November 1, 1997		Richard F. Webb		<input type="checkbox"/> Assistant Clerk		Richard F. Webb	
FOR THE PLAINTIFF(S) PLEASE ENTER THE APPEARANCE OF:							
NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code)				TELEPHONE NO		JURIS NO. (if any, or law firm)	
Richard Blumenthal, Attorney General, P.O. Box 120, 55 Elm St., Hartford, CT 06102				860 - 8085250		085022	
NAME AND ADDRESS OF PERSON RECOGNIZED TO PROCEED IN THE AMOUNT OF \$250 (No., street, town and zip)				SIGNATURE OF PLAINTIFF IF PRO SE			
Not applicable to State of Connecticut							
PLFS.		DEFS.		CNTS.		SIGNED (Official taking recognizance, X proper box)	
1		2		7		<input type="checkbox"/> Comm. of Superior Court	
						<input type="checkbox"/> Assistant Clerk	
IF THIS SUMMONS IS SIGNED BY A CLERK:						For Court Use Only	
a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.						 John Lepito Deputy Sheriff Hartford County	
b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.							
c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.							
d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service thereof.							
I hereby certify I have read and understand the above:				SIGNED (Pro Se Plaintiff)		DATE SIGNED	
						FILE NO.	

COMPLAINT**FIRST COUNT**

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.
4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. Paragraph 3 of the NPDES Permit requires the defendants to monitor various discharges and submit a monthly report of a sample analysis to the DEP.
6. Samples of discharge DSN 006 of the NPDES Permit were originally taken at a point more than 200 feet from the end of the 42" discharge pipe, a point free of tidal influence, until September 29, 1994 when the sampling location was moved down gradient in the discharge pipe to a point 30 feet from Niantic Bay which was partially submerged and influenced by tidal conditions.
7. Defendants continued to take samples at this new location from September 29, 1994 up through July 12, 1996 when it was discovered by a DEP inspection and defendants were notified to suspend taking samples there.

8. The samples taken at this location from September 29, 1994 through July 12, 1996 for chlorine, and oil and grease, were not representative due to the dilution caused by tidal influence and therefore constituted a violation of Regulations of Connecticut State Agencies ("R.C.S.A.") § 22a-430-3(j)(7) which is incorporated into defendants' NPDES Permit.
9. Prior to the defendants moving the sampling location of DSN 006 on September 29, 1994, the defendants had reported chlorine exceedances at the original location in their monitoring reports for August and September, 1993 and July of 1994.
10. In December, 1994 defendants returned the sampling location in the discharge pipe for all parameters, except chlorine and oil and grease, to the original location.
11. Defendants continued to sample of chlorine and oil and grease at the down gradient location, despite conducting two studies, dated February, 1995 and January, 1996, which found substantial mixing and dilution of the waste stream by intruded seawater within the DSN 006 discharge pipe, until DEP's July 12, 1996 inspection.

SECOND COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.

4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. Defendants' NPDES Permit authorizes a discharge of hydrazine at levels not exceeding 75 milligrams per liter ("mg/l") at a discharge point designated DSN 001C-4.
6. Defendants' NPDES Permit authorizes a discharge of hydrazine at levels not exceeding 75 mg/l and ethanolamine (ETA) at levels not exceeding 300 kg per batch with a maximum volume of 25,000 gallons per batch at a discharge point designated DSN 001C-6.
7. A DEP inspection on July 12, 1996 revealed that beginning on May 7, 1995, two chemical feed tanks containing 400 gallons each of a hydrazine and water mixture and two chemical feed tanks containing 400 gallons each of an ETA and water mixture were drained into a holding tank designated as the Makeup Waste Neutralization Tank ("MWNT") which discharges through DSN 001C-4.
8. Without authorization from or notification to DEP, defendants added hydrogen peroxide and sodium hypochlorite to the MWNT, and beginning on May 10, 1995 and up to May 26, 1995, transferred portions of the MWNT wastewater to holding tanks designated as TK10 and TK11, and periodically discharged this wastewater via DSN001C-6 containing unknown concentrations of hydrogen peroxide and chlorine in violation of Connecticut General Statute Section 22a-430, defendant's NPDES Permit and R.C.S.A. § 22a-430(i).
9. On May 26, 1995 a total of 53,000 gallons of wastewater from the MWNT containing hydrazine concentrations at 40 mg/l, ETA concentrations estimated to be in excess of 65 mg/l, and unknown concentrations of hydrogen peroxide and chlorine was discharged through DSN001C-4, authorized for hydrazine only, in violation of defendants' NPDES permit.

THIRD COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.
4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. Defendants' NPDES Permit No. CT 0003263 does not authorize the discharge of hydrazine at DSN 001B-6, although defendants have submitted a request to modify their NPDES Permit to authorize hydrazine at this discharge point.
6. Defendants were required to sample and report to DEP the presence of hydrazine in all their discharges during hydrazine minimization studies conducted from 1986-1988 pursuant to Order No. WC 4107 Modified, but failed to sample or report the presence of hydrazine at DSN 001B-6 in that study.
7. Defendants did not apply to DEP to discharge hydrazine at DSN 001B-6 in any previous permit renewals or otherwise notify DEP of its presence.
8. The discharge of hydrazine from DSN 001B-6 without a permit, which occurred from at least December 12, 1992 through May 20, 1996, was a violation of Conn. Gen. Stat. § 22a-430 and defendants' NPDES Permit.

FOURTH COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.
4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. Defendants' NPDES Permit No. CT 0003263 authorizes the discharge of ETA at a maximum concentration of 10.0 mg/l at DSN 001B-1.
6. During a period from September 16, 1993 to September 17, 1993, ETA was discharged at levels in excess of 10.0 mg/l, at least as high as 30.0 mg/l from DSN 001B-1.
7. Defendants did not undertake timely actions to correct this discharge of ETA in excess of the permit limitation and therefore violated their NPDES Permit.
8. Defendants did not notify the DEP of this permit violation until October 5, 1993 in violation of R.C.S.A. § 22a-430-3-3(j)(11)(E) as incorporated into defendants' NPDES Permit.

FIFTH COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.
4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. The defendants submitted a permit renewal application on June 13, 1997, which identified a discharge of chlorinated backwash from service pump strainers for each of the Millstone nuclear power generating units, Units 1, 2, and 3.
6. Each of the three discharges occurred in the vicinity of each of the three intake structures which provide cooling water to nuclear power generating units 1, 2 and 3.
7. The discharge of the chlorinated backwash from the service pump strainers serving Unit 1 is directed to a sensitive fish return system designated DSN 002.
8. When the defendants had applied in 1989 for an NPDES permit renewal, ultimately issued on December 14, 1992 as NPDES Permit No. CT 0003263, the application did not mention these three discharges and the permit as issued did not authorize these three discharges.

9. The three discharges of chlorinated backwash from the service pump strainers without a permit, which have occurred from at least December 12, 1992 and were mitigated on May 24, 1996, continue to the present time and are a violation of Conn. Gen. Stat. § 22a-430 and defendants' NPDES Permit.

SIXTH COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.
2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.
3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.
4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.
5. The defendants submitted a permit renewal application on June 13, 1997 which identified multiple discharges of chlorinated pump seal water utilized for operation of circulation, service, and screen wash pumps located in the intake structures with each of the Millstone nuclear power generating units, Units 1, 2, and 3.
6. When the defendants had applied in 1989 for an NPDES permit renewal, ultimately issued on December 14, 1992 as NPDES Permit No. CT 0003263, the application did not mention these multiple discharges and the permit as issued did not authorize these multiple discharges.

7. The multiple discharges of chlorinated pump seal water without a permit, which occurred from at least December 12, 1992 through October 30, 1996, were a violation of Conn. Gen. Stat. § 22a-430 and defendants' NPDES Permit.

SEVENTH COUNT

1. The Commissioner of Environmental Protection is charged with enforcing the statutes regulating, controlling and eliminating pollution to the waters of the State.

2. The defendant Northeast Nuclear Energy Company (NNECO) operates facilities in the Town of Waterford, Connecticut, referred to as Units 1, 2, and 3 at the Millstone Nuclear Power Station.

3. The defendant Northeast Utilities Service Company (NU) is the parent corporation of NNECO and is involved in the management and operations of Units 1, 2, and 3.

4. On the 14th day of December, 1992, NPDES Permit No. CT0003263 was reissued to the defendant NNECO for the discharge of treated wastewater and condenser cooling water to Long Island Sound, although the application for the permit reissuance was submitted by NU.

5. Following up on prior oral and written notifications, the defendants detailed, in a letter dated June 20, 1997 and October 31, 1997, the discharge of several internal wastestreams associated with the routine operation of the Millstone unit 3 auxiliary boiler into a sump in the boiler room which in turn discharged to an oil/water separator tributary to DSN 006 which discharges directly to Niantic Bay.

6. The internal wastestreams, consisting of wastewater from the auxiliary boiler sample sink, the auxiliary boiler equipment drains, and the auxiliary boiler chemical addition tank drainage and overflow, either contain, or have the potential to contain, significant concentrations of hydrazine which is not authorized for discharge at DSN 006.

7. The correct discharge point for these wastestreams containing, or potentially containing, hydrazine is DSN 001C6-(b), and defendants rerouted these wastestreams to that discharge point in December, 1996.

8. The discharge of the internal wastestreams containing, or potentially containing, hydrazine to DSN 006, identified in paragraphs 5 and 7 above, occurred from December 12, 1992 to October, 1996, and was a violation of Conn. Gen. Stat. § 22a-430 and defendants' NPDES Permit.


WHEREFORE, the plaintiff prays for:

1. A permanent injunction pursuant to Conn. Gen. Stat. § 22a-6(a)(3) and 22a-430 restraining the defendants from maintaining such discharges without a permit until the defendants have received a permit for its unpermitted discharges.
2. Pursuant to Conn. Gen. Stat. § 22a-438, an order of the Court requiring the defendants to forfeit to the State a sum not to exceed Twenty-Five Thousand Dollars (\$25,000) per day for each day of violation.
3. An order of the Court pursuant to Conn. Gen. Stat. § 22a-6a(a) requiring the defendants to reimburse the State for the reasonable costs and expenses it incurred in detecting, investigating, controlling and abating the alleged violations.

Dated at Hartford, Connecticut, this 10th day of November, 1997.

PLAINTIFF
ARTHUR J. ROCQUE, JR.,
COMMISSIONER OF
ENVIRONMENTAL PROTECTION

RICHARD BLUMENTHAL
ATTORNEY GENERAL

BY: 
 Richard F. Webb
 Assistant Attorney General
 55 Elm Street
 P.O. Box 120
 Hartford, CT 06141-0120
 (860) 808-5250
 Juris No. 085022

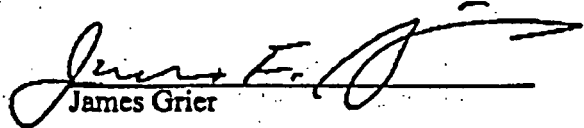

 Attest A True Copy
 John Lepito
 Deputy Sheriff Hartford County

VERIFICATION


STATE OF CONNECTICUT)
COUNTY OF Hartford)

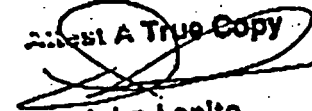
ss. Hartford, Connecticut November 10, 1997

Personally appeared James Grier, Department of Environmental Protection, the subscriber, and made oath to the truth of the matters contained in the aforesaid complaint.


James Grier

Sworn and subscribed before me on this 10th of November, 1997.


Richard F. Webb
Commissioner of the Superior Court


John Lepito
Deputy Sheriff Hartford County