

**STATE OF CONNECTICUT**

**V.**

**ANSONIA COPPER & BRASS, INC. AND**

**RAYMOND L. MCGEE**

**Unilateral Order No. 2020001DEEP**

**Date Issued:** February 10, 2020

A. The Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:

1. Ansonia Copper & Brass, Inc. (“Respondent” or “ACB”) is a Delaware corporation registered to do business in Connecticut with the Connecticut Secretary of the State.
2. Respondent Raymond L. McGee (“Respondent Raymond McGee”) is Chief Executive Officer of ACB.
3. Respondent ACB’s registered business and mailing address is 725 Bank Street, Waterbury, CT 06708.
4. Upon information and belief, at all times relevant to this order, Respondent Raymond McGee has been a responsible corporate officer of Respondent ACB as that term is defined by Section 22a-430-3(b)(2) of the RCSA.
5. Respondent ACB and Respondent Raymond McGee are collectively referred to as “Respondents” in this order.
6. Respondent ACB is the owner of two parcels of land, one containing approximately 16.5 acres, located at 75 Liberty Street, Ansonia, CT and identified as Assessor’s Map No. 033, Block 0019, Lot 0000, and the other containing approximately 22.04 acres, located at 7 Riverside Drive, Ansonia, CT and identified as Assessor’s Map No. 035, Block 0001, Lot 0004 (collectively referred to hereafter as “the Site”).
7. The Site is comprised of approximately 38.5 acres bounded on the west by the Naugatuck River and on the east by Liberty Street and North 4<sup>th</sup> Street. There is a residential development to the east of the Site. The Site slopes down from east to west, with stormwater runoff from the Site discharging to the Naugatuck River through two concrete outfalls.
8. Seven buildings remain at the Site: 1) the casting shop, with baghouse units, 2) power house located on the southwest portion of the Site, 3) the extrusion mill located on the southeast portion of the Site, 4) the rod mill located on the west-central portion of the Site, 5) the main office and 6) the flat wire mill/maintenance building located on the east-central portion of the Site, and 7) the wastewater treatment building located at the north end of the Site. Active railroad tracks with commercial and passenger service run through the Site in a north-south direction.
9. Along the eastern side of the Site at the northern end, there is a canal fed by the Naugatuck River. The canal is piped underground and culminates in a manmade pond on the east side of the extrusion mill. Historically, the manmade pond was a source of water used for manufacturing at the Site.



10. Respondent ACB was engaged in rod and wire manufacturing operations at the Site until approximately October 2013. After October 2013, the Site became unoccupied and fell into disrepair.
11. Respondent ACB is or has been a large quantity generator of hazardous waste at the Site identified by United States Environmental Protection Agency ("US EPA") Identification Number CTD060005766.
12. Respondent ACB is the certifying party on three Form III filings submitted to the Commissioner for the transfer of an establishment, which includes the Site as defined in A.6 above plus additional parcels as identified in those Form III filings, pursuant to the Connecticut Property Transfer Act [Sections 22a-134 through 134e of the Connecticut General Statutes ("CGS")]. These filings were received by the Commissioner on February 12, 1986, August 23, 1991, and June 28, 2002. The term "establishment" used in this order means an establishment as defined in CGS Section 22a-134(3). The term "parcel" used in this paragraph A.12 and in paragraph B.10 below means parcel as defined in CGS Section 22a-134(9).
13. In May 2017, in response to the serious environmental conditions present at the Site and potential for release of pollutants, the Department of Energy and Environmental Protection ("the Department"), Emergency Response and Spill Prevention Division Unit ("ERSPD") identified a need to perform emergency removal of PCB-contaminated material, waste/used oil and oily wastewater from the Site. The removal was completed in May 2017 and included: approximately 75 PCB oil containing capacitors, more than 4,000 gallons of PCB-oil and more than 2,000 gallons of waste/used oil waste removed from the Site and properly disposed by ERSPD.
14. In July 2017, US EPA On-Scene Coordinators ("OSCs") and its' consultant team mobilized to the Site to conduct a Site Reconnaissance and Subsequent Removal Program Preliminary Assessment Site Investigation. During these events, numerous containers of unknown content (55-gallon drums and 5-gallon steel pails of grease and hydraulic oil, a large annealing furnace, PCB-containing capacitors, PCB-containing transformers, blocks of Fiberfrax ® material (a replacement for asbestos), several large tanks, open pits/trenches on the main floors, and suspected asbestos-containing material pipe-wrap throughout the on-site buildings were observed. Analytical results for these materials revealed elevated levels of PCBs, metals and asbestos, which resulted in a removal action being approved by EPA Region 1. Preparation and removal activities began at the Site in September 2017 and were completed in September 2018. During such time, more than 250 tons and 15,000 gallons of non-hazardous waste, hazardous waste, PCB-contaminated liquid and PCB-contaminated solids were removed from the Site and properly disposed by EPA at a cost of approximately \$1.5 million.
15. In May 2018, in response to the serious environmental conditions present at the Site, as well as the high potential for release of pollutants to the adjacent Naugatuck River as a result of stormwater infiltration through damaged and collapsing roofs at the Site, the Department's ERSPD identified a need to perform additional emergency removal of waste oil from pits, tanks and drums within respective buildings, as well as, a large debris pile from the casting shop floor. The removal was completed in June 2018 and included approximately 60,000 gallons of waste/used oil in addition to hazardous waste debris from the casting shop floor. Additionally, approximately 240,000 gallons of oil-impacted water were treated through carbon filtration and discharged onto asphalt at the Site.
16. Although US EPA and the Department's ERSPD have removed significant quantities of non-hazardous and hazardous waste from the Site, significant environmental concerns persist. Damaged and collapsing roofs continue to allow stormwater infiltration into the buildings where it can reasonably be expected to come into contact with or commingle with the extensive solid waste present and result in significant sources of pollution to the waters of the state. In some areas, stormwater becomes contaminated with oil, cadmium, lead and potentially other heavy metals and accumulates within trenches, sumps and relatively deep pits. During a December 7, 2018 Site walkthrough, the Department observed many of these collection areas approaching capacity. Contaminated stormwater is capable of discharging into the waters of the state directly from such collection areas.



Solid and Hazardous Waste Findings:

17. An inspection performed by the Department's, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division ("WEED") on December 4<sup>th</sup>, 11<sup>th</sup>, and 20<sup>th</sup>, 2013 found that Respondent ACB had suspended its manufacturing operations at the Site leaving greater than ten cubic yards of solid waste and 1,000 kilograms of hazardous waste, including used oils, wastewaters, chemicals, and process wastes stored on-site.
18. WEED issued Notice of Violation ("NOV") No. NOVWSWDH14010 to Respondent ACB on February 26, 2014 addressing Respondent ACB's non-compliance with the requirements for generators of hazardous waste in Section 22a-449(c)-100, *et. seq.* of the Regulations of Connecticut State Agencies ("RCSA"), including but not limited to failure to perform hazardous waste determinations for the wastes stored on-site. Respondent Raymond McGee responded to NOV No. NOVWSWDH14010 by submitting a compliance statement on April 2, 2014 with additional information submitted on May 5, 2014, October 3, 2014, November 14, 2014, and September 11, 2014. These responses failed to adequately address all of the cited violations. To date, WEED has not received an adequate response to NOV No. NOVWSWDH14010.
19. WEED re-inspected the Site on January 6<sup>th</sup> and 26<sup>th</sup>, 2016 to evaluate Respondent ACB's compliance with NOV No. NOVWSWDH14010 and the hazardous waste management regulations and found that manufacturing operations had permanently ceased and that the majority of the used oils, wastewaters, chemicals, and process wastes which were observed during the December 2013 inspection remained on-site. Based on the findings of the January 2016 re-inspection, Respondent ACB:
  - a. Failed to determine whether each waste generated at the Site is a hazardous waste as required by Section 22a-449(c)-102(a)(2)(A) of the RCSA, incorporating Title 40 of the Code of Federal Regulations ("40 CFR") 262.11.
  - b. Accumulated universal waste for greater than one year from the date the universal waste is generated or received from another handler in violation of Section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.15(a).
  - c. Failed to obtain a permit to build, establish, or alter a solid waste disposal facility in which more than ten cubic yards of solid waste was disposed of after July 1, 1971 as required by Sections 22a-209-2, 22a-209-4, 22a-209-7, and 22a-209-8 of the RCSA and Sections 22a-208a(b) and 22a-208c of the CGS.
20. WEED issued NOV No. NOVWSWDH16009 to Respondent ACB on March 7, 2016 addressing the non-compliance cited in paragraph A.19 above. Respondent Raymond McGee responded to NOV No. NOVWSWDH16009 by submitting a compliance statement on April 8, 2016 with additional information submitted on April 13, 2016, May 3, 2016, May 12, 2016, and May 27, 2016. These responses failed to adequately address all of the cited violations. To date, WEED has not received an adequate response to NOV No. NOVWSWDH16009.
21. WEED re-inspected the Site on October 11<sup>th</sup>, and 12<sup>th</sup>, 2016 to evaluate Respondent ACB's compliance with NOV No. NOVWSWDH16009 and the hazardous waste management regulations and to inventory the wastes stored on-site. WEED returned to the Site on October 31<sup>st</sup>, November 1<sup>st</sup>, and December 6<sup>th</sup>, 2016 to obtain samples of wastes and wastewaters. As a result of the October 2016 inspection and October, November, December 2016 sampling events, WEED found the violations cited in paragraphs A.18. and A.19. to remain outstanding in addition to Respondent ACB's:
  - a. Failure to obtain a permit from the Commissioner prior to storing hazardous waste at the Site for greater than ninety (90) days as required by Section 22a-449(c)-102(a)(2)(L) of the RCSA, incorporating 40 CFR 262.34(b). A generator that accumulates hazardous waste for more than 90 days is an operator of a



storage facility and may be subject to the requirements of 40 CFR 264 and 265 and the permit requirements of 40 CFR 270 unless granted an extension to the 90-day period.

- b. Failure to submit a biennial report as required by Section 22a-449(c)-102(a)(2)(AA) of the RCSA, incorporating 40 CFR 262.41(a).
  - c. Failure to mark containers and tanks accumulating hazardous waste with the words "Hazardous Waste" and a description of contents as required by Section 22a-449(c)-102(a)(2)(J) of the RCSA, incorporating 40 CFR 262.34(a)(3).
  - d. Failure to mark containers and tanks used to store used oil with the words "Used Oil" as required by Section 22a-449(c)-119(a)(1) of the RCSA, incorporating 40 CFR 279.22(c).
  - e. Failure to accumulate hazardous waste in containers that are clearly marked with the date each period of accumulation began as required by Section 22a-449(c)-102(a)(1) of the RCSA, incorporating 40 CFR 262.34(a)(2).
  - f. Failure to maintain containers accumulating hazardous waste closed as required by Section 22a-449(c)-102(a)(2) of the RCSA, incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes.
  - g. Failure to use appropriate controls and practices to prevent spills and overflows from a tank system as required by Section 22a-449(c)-102(a)(2) of the RCSA, incorporating 40 CFR 262.34(a)(1)(ii) and 40 CFR 265.194.
  - h. Failure to maintain and operate a facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment as required by Section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) and 40 CFR 265.31.
22. As a result of the December 2013, January 2016, and October 2016 inspections and October and November 2016 sampling events, the Department also found that Respondents maintain two former, less than 90-day hazardous waste storage areas and other areas where hazardous wastes have been stored that were not closed in accordance with Section 22a-449(c)-102(a)(2)(K) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(4), 265.111, 265.113(a), (b) and (c), and 265.114.
23. WEED informed Respondent Raymond McGee during a meeting held on December 14, 2016 and in an e-mail dated December 15, 2016, that RCRA toxic levels of cadmium and lead were identified in wastes stored throughout the Site's remaining buildings in a manner that is not protective of the Naugatuck River, and requested documentation showing that Respondent Raymond McGee has engaged an environmental professional or contractor to begin the waste characterization and consolidation required at the Site along with a schedule on which those actions would begin.
24. WEED issued NOV No. NOVWSWDH17003 to Respondent ACB on January 10, 2017 addressing the non-compliance cited in paragraphs A.18 and A.19 through A.21 above. Respondent Raymond McGee submitted a written response to NOV No. WSWDH17003 on March 22, 2017. This response failed to adequately address the cited violations. To date, WEED has not received an adequate response to NOV No. NOVWSWDH17003.
25. Respondents continue to store hazardous waste at the Site without a permit in violation of Connecticut's hazardous waste management regulations RCSA 22a-449(c)-100, *et. seq.*
26. Respondents continues to store greater than ten cubic yards of solid waste at the Site without a permit in violation of Connecticut's solid waste management regulations and statutes.



Industrial Wastewater and Stormwater Findings:

27. Respondent ACB's discharge of stormwater associated with industrial activity from the Site to the Naugatuck River is regulated by the *General Permit for the Discharge of Stormwater Associated with Industrial Activity* ("stormwater general permit"), issued on October 1, 2002, and as subsequently reissued May 31, 2018, pursuant to Section 22a-430b of the CGS. Respondent ACB's authorization for coverage under the stormwater general permit is assigned Permit No. GSI000530 for a registration submitted on June 1, 2011 with an effective date of October 1, 2011.
28. Respondent ACB held National Pollutant Discharge Elimination System ("NPDES") Permit No. CT0002968 issued on August 15, 2011 for the discharge of treated wastewaters to the Naugatuck River associated with copper forming and casting activities, including contact cooling water, quench water, stormwater from certain roof drains, and other ancillary wastewater (the "NPDES Permit").
29. On June 29, 2016, the Department received a letter from Respondent Raymond McGee requesting revocation of the NPDES Permit and stating the last date of discharge was January 20, 2016. On August 12, 2016, in accordance with Section 22a-430-4(p) of the RCSA, the Department approved Respondent Raymond McGee's request for revocation of the NPDES Permit, effective June 29, 2016.
30. Respondent ACB owns an inactive wastewater treatment system ("WWTS") at the Site associated with the former NPDES Permit. The WWTS formerly included a 101,250-gallon equalization tank ("EQ tank"), which was a partially in-ground brick and concrete tank located outside, uncovered. There were also two uncovered reserve wastewater holding tanks located outside, adjacent to the EQ tank. These tanks had a capacity of 26,180 gallons each. An uncovered clarifier was also located outside and had a capacity of 120,000 gallons. Wastewater in the clarifier flowed by gravity to a discharge tank located inside the WWTS building. Components currently remaining inside the WWTS building include: neutralization tanks #1 and #2, each with a capacity of 2,500 gallons; discharge tank #1 (capacity unknown); discharge tank #2 (capacity unknown); four sand filters, an ion exchange unit, one 4,350-gallon sodium hydroxide tank, a filter press, and a sludge dryer. US EPA's OSCs and its consultant team performed cleanup activities at the Site between September 28, 2017 and September 14, 2018, including decontamination, demolition, and removal of the outdoor components of the WWTS and removal of any remaining treatment chemicals stored inside the WWTS building. Based on reports written by EPA and the Department's ERSPD, wastewater collected in the WWTS building has not been removed.
31. An inspection performed by the Department's Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division ("WPED") on March 15, 2016, found that Respondent ACB had permanently ceased manufacturing operations at the Site and that Respondent Raymond McGee had begun metals reclamation and equipment removal activities that had damaged on-site buildings. Such activities included the removal of roof downspouts and damage to sections of roofing, allowing stormwater to accumulate in the wastewater treatment system and into various interior pits, sumps, tanks and containment areas, which had residual contamination from manufacturing operations.
32. WPED issued NOV No. NOVWRSW16003 to Respondent ACB on April 11, 2016 based on findings from the March 15, 2016 inspection, that Respondent ACB:
  - a. Failed to monitor stormwater in accordance with Section 5(e) of the stormwater general permit.
  - b. Failed to maintain good housekeeping procedures at the Site in accordance with Section 5(b)(1) of the stormwater general permit.
  - c. Failed to implement preventive maintenance in accordance with Section 5(b)(8) of the stormwater general permit.
  - d. Failed to provide annual stormwater training in accordance with Section 5(b)(10) of the stormwater general permit.



- e. Failed to provide roof coverage and secondary containment for containers of liquid chemicals less than 100 gallons in size in accordance with Section 5(b)(9)(A) of the stormwater general permit.
  - f. Failed to conduct stormwater inspections in accordance with Section 5(d) of the stormwater general permit.
33. Among other things, NOV No. NOVWRSW16003 also cited Respondent ACB's failure to pay annual fees invoiced for the NPDES Permit, in violation of Section 1, paragraph (H) of the NPDES Permit and Section 22a-430-7 of the RCSA. Attached to the NOV was a statement of outstanding fees for both the NPDES Permit and the RCRA Program. As of March 26, 2019, outstanding fees totaled \$29,037.87.
34. Respondent Raymond McGee submitted a response to NOV No. NOVWRSW16003 on May 11, 2016. This response failed to adequately address all of the cited violations. Respondent Raymond McGee was given until July 30, 2016 to submit an adequate response to the NOV, which was not received. WPED sent a "Notice of Violation No Response" letter to Respondent Raymond McGee on September 22, 2016. To date, WPED has not received an adequate response.
35. On June 5, 2016, the Department's ERSPD received a call reporting a petroleum sheen on the Naugatuck River near Division Street in Derby. The sheen was traced back to the Site. The source was determined to be gear oil from a waste oil tank that had discharged into a containment area in the rod mill building, which had accumulated stormwater, overflowed a damaged berm, and discharged to the Naugatuck River via an outfall pipe (Discharge Serial Number ("DSN") 001) of the stormwater general permit.
36. WPED re-inspected the Site on October 11, 2016 to further assess potential discharges to the environment of contaminated stormwater collecting in the WWTS and in various areas in the damaged buildings. On October 31, 2016, WPED staff collected wastewater samples from areas determined to have the most immediate potential of creating a discharge to the environment. The wastewater levels in the former outdoor storage tanks at the WWTS building (the uncovered EQ tank, the two reserve holding tanks and the clarifier) were estimated to be at least 75% of capacity. Had there been an overflow from any of these tanks, the discharge could have reached a nearby catch basin which eventually discharges to the Naugatuck River. Analytical results of wastewater samples from the former EQ tank showed concentrations of metals (cadmium, copper, iron, lead, nickel and zinc) and total oil and grease above those allowed by the former NPDES Permit.
37. Neither Respondents hold a permit issued by the Commissioner authorizing the discharge of the wastewater that had accumulated in the WWTS and continues to accumulate in various pits, sumps, tanks and containment areas in buildings on the Site.
38. On December 6, 2016, WPED collected wastewater samples related to an observed dry-weather discharge to the Naugatuck River. According to Respondents' on-site representative, the likely source of the dry-weather flow is water leaking from bulkheaded outlets of the manmade pond flowing through the Site's infrastructure and into the stormwater collection system. Analytical results from samples collected from the manmade pond, the catch basin on the west side of the casting shop and the catch basin's outfall indicate that pond water is being contaminated as it flows through the Site and is discharging to the Naugatuck River.
39. During the December 6, 2016 inspection, WPED industrial field compliance staff observed evidence of an intermittent, ongoing discharge of contaminated stormwater from within the casting shop to the ground, as noted by black staining on the ground in the immediate vicinity of open pipes located through the wall of the casting shop.
40. WPED stormwater staff also inspected the Site on December 6, 2016. Based on the findings of the inspection, Respondent ACB:
- a. Failed to monitor stormwater in accordance with Section 5(e) of the stormwater general permit.



- b. Failed to maintain good housekeeping procedures at the facility in accordance with Section 5(b)(1) of the stormwater general permit.
  - c. Failed to implement preventive maintenance in accordance with Section 5(b)(8) of the stormwater general permit.
  - d. Failed to provide annual stormwater training in accordance with Section 5(b)(10) of the stormwater general permit.
  - e. Failed to provide roof coverage and secondary containment for containers of liquid chemicals less than 100 gallons in size in accordance with Section 5(b)(9)(A) of the stormwater general permit.
  - f. Failed to provide dumpsters which are watertight and covered in accordance with Section 5(b)(9)(B) of the stormwater general permit.
  - g. Failed to conduct stormwater inspections in accordance with Section 5(d) of the stormwater general permit.
  - h. Failed to update the stormwater pollution prevention plan ("SWPPP") in accordance with Section 5(c)(5) of the stormwater general permit.
41. WPED issued NOV No. NOVWRSW17001 to Respondent ACB on January 23, 2017 addressing the non-compliance cited in paragraphs A.38 through A.40 above. Respondent Raymond McGee submitted a response to NOV No. NOVWRSW17001 on March 8, 2017. This response failed to adequately address all of the cited violations. To date, WPED has not received an adequate response.
42. WPED re-inspected the site on March 7, 2017 after receiving information that the Respondents were allegedly running the WWTS. Based on the findings of the inspection, it was determined that the Respondents were not running the WWTS. However, it was determined that the wastewater levels in the former outdoor storage tanks at the WWTS building (uncovered EQ tank, two uncovered reserve wastewater storage tanks and uncovered clarifier) were close to storage capacity. Had the former clarifier exceeded capacity, it would have discharged into a tank in the WWTS building. Overflow from the two former reserve wastewater storage tanks would have discharged into the EQ tank. Overflow from the former EQ tank would have discharged to the ground and eventually discharged to a nearby catch basin that discharges to the Naugatuck River. The Department contacted Respondent Raymond McGee, on March 15, 2017 to express the urgency of this situation and to request that immediate action be taken to ensure that a release from these tanks does not occur. A follow-up letter was emailed and sent certified mail, return receipt requested, on March 16, 2017.
43. On April 5, 2017, Respondent Raymond McGee informed the Department that on April 3, 2017, Oil Recovery Corporation removed approximately 5,500 gallons of wastewater from the former EQ tank, which was hauled off-site for disposal at Mass Tank Disposal, Inc.
44. In May 2017, the Department's ERSPD removed oil and oily wastewater from the top of various storage tanks and pits, including: the former EQ tank and the waste oil tank and its secondary containment area in the rod mill.
45. On June 22, 2018, WPED, along with other divisions in the Department and the City of Ansonia, performed a site-walk to observe clean-up and removal activities performed by US EPA and the Department's ERSPD. The outdoor tanks at the WWTS had been emptied, decontaminated and removed by US EPA. The Department's ERSPD removed a portion of accumulated wastewater from various pits, sumps, and tanks in the former manufacturing buildings that were considered hazardous or contaminated with oil, based on sample results. None of these areas were decontaminated. Stormwater entering these buildings through damaged roofing and windows continues to become contaminated as it comes into contact with floors and the interiors of pits, sumps and tanks. Due to clean-up activities, material and debris had been tracked outside of the casting shop.



46. WPED performed a follow-up inspection on August 1, 2018. During that inspection, it was determined that oil contaminated stormwater was discharging from the rod mill to the stormwater conveyance system that discharges to the Naugatuck River at DSN 001 of the stormwater general permit.
47. On December 7, 2018, WPED, along with other divisions in the Department and the City of Ansonia, performed a site-walk to observe conditions at the Site following completion of US EPA's clean-up and removal activities. US EPA reported that they had removed all sludge, wastewater and chemicals from the WWTS building. However, US EPA's "After Action Report" does not indicate that wastewater has been removed from tanks located inside the WWTS building. While working at the Site, US EPA and the Department's ERSPD observed oil sheens originating from two locations to the Naugatuck River: stormwater outfall DSN 001 and a culvert discharging at the south side of the Maple Street Bridge. Oily stormwater discharges from the rod mill to stormwater outfall DSN 001. Contaminated stormwater and wastewater from the Site enters a tailrace in the extrusion mill, which discharges from the culvert at the south side of the Maple Street Bridge.

Polychlorinated biphenyls ("PCB") Findings:

48. On April 13, 2016 an inspection was performed by the Department's Bureau of Materials Management and Compliance Assurance, Emergency Response & Spill Prevention Division, Storage Tank and PCB Enforcement Unit's PCB Program ("PCB Program"). During the inspection, violations of the federal PCB regulations promulgated pursuant to the Toxic Substances Control Act ("TSCA") and Connecticut General Statute ("CGS") section 22a-467 were documented.
49. As a result of the April 13, 2016 inspection, the PCB Program issued NOV No. NOVWSPCB016-003 to Respondent ACB.
50. The PCB Program re-inspected the Site on October 11, 2016 to conduct a preliminary evaluation of the previously documented releases of PCBs to the environment from select PCB equipment.
51. PCB inspections on April 13, 2016 and October 11, 2016 and PCB sampling results collected on October 11, 2016 and on November 22, 2016 by WEED document that equipment containing PCBs exists at the Site and releases of PCBs to the environment have occurred.
52. From May 11, 2017 through May 25, 2017, the Department's ERSPD responded to the Site to perform emergency removal work. The emergency removal work included the removal of 312 PCB capacitors containing PCBs, 4,282 gallons of liquid PCBs, and 4,200 gallons of waste oil.

Remediation Findings

53. As the certifying party on the Form III filing received by the Commissioner on June 28, 2002, Respondent ACB certified that "...to the extent necessary to minimize or mitigate a threat to human health and the environment, I agree to investigate the parcel in accordance with prevailing standards and guidelines and to remediate the parcel in accordance with the remediation standards."
54. In a letter dated September 6, 2002, the Department notified Respondent ACB that, pursuant to CGS section 22a-134a(f), the Department would formally review and approve in writing the remediation of the above referenced parcel and that pursuant to CGS section 22a-134a(i), Respondent ACB must submit for the Commissioner's review and approval a schedule for completing the investigation and remediation of the parcel.
55. On October 8, 2002, the Department received a request from Respondent ACB to extend the deadline for submittal of such schedule to October 31, 2002, but ACB failed to submit such a schedule on or before October 31, 2002.
56. In a letter dated March 7, 2013, the Department notified Respondent ACB that the Commissioner's formal review and approval is no longer necessary and that an Licensed Environmental Professional ("LEP") may verify that



the investigation has been performed in accordance with prevailing standards and guidelines and that the remediation has been performed in accordance with the remediation standards. The letter also required that, pursuant to CGS Section 22a-134a(g)(1), Respondent ACB submit a schedule to complete the investigation of the parcel within 2 years of the date of the letter and initiate remediation within 3 years of the date of the letter. To date, ACB has failed to submit documentation indicating that investigation of this parcel is complete. Therefore, Respondent ACB remains in violation of CGS Section 22a-134a(g)(1).

57. By virtue of the findings cited in paragraphs A.1 through A.56 above:

- a. Respondents have violated Sections 22a-209-2, 22a-209-4, 22a-209-7, 22a-209-8, 22a-449(c)-102, 22a-449(c)-104, 22a-449(c)-105, 22a-449(c)-110, 22a-449(c)-113, and 119 of the RCSA, Sections 22a-208a(b), 22a-208c, 22a-134a(g)(1) of the CGS and 40 CFR 264, 265 and 270.
- b. Respondents have created a condition, or are maintaining a facility or condition, which reasonably can be expected to create a source of pollution to the waters of the state in violation of CGS Sections 22a-134a(g)(1), 22a-427, 430, 430b, and 432.
- c. Respondents have disposed of PCBs or PCB-containing items, products or materials in violation of CGS Section 22a-467.

58. On May 7, 2009, Consent Order No. WC 5481 was issued to Respondent ACB for violations of Sections 22a-430 of the RCSA and 22a-430b of the CGS located at the Site. The stormwater related violations have not been addressed.

B. The Commissioner, acting under CGS Sections 22a-6, 22a-208, 22a-134a(j), 22a-225, 22a-424, 22a-425, 22a-430, 22a-430b, 22a-432, 22a-433, 22a-449, and 22a-467 orders Respondents as follows:

**Solid and Hazardous Waste & Industrial Wastewater and Stormwater:**

1. **Consultant Retention.** On or before fifteen (15) days from the date of issuance of this order, Respondents shall identify, for the Commissioner's review and written approval, one or more qualified consultants to prepare the documents and implement or oversee the actions required by paragraphs B.2 through B.8 of this order and shall notify the Commissioner in writing of the identity of such consultant(s). Respondents shall submit to the Commissioner a description of each consultant's education, experience, and training that is relevant to the work required by this order within ten (10) days after a request for such description. The consultant(s) retained by the Respondents shall be a professional engineer licensed in the State of Connecticut and shall have a minimum of five (5) years' of direct and relevant experience in subject matter being addressed (i.e. preparing SWPPPs, non-stormwater certifications, completing stormwater registration forms and identifying stormwater outfall locations; solid and hazardous waste management compliance implementation). Respondents shall continue to retain one or more qualified consultants acceptable to the Commissioner until this order is fully complied with. At least ten (10) days prior to retaining any consultant(s) other than the one(s) originally identified under this paragraph, Respondents shall notify the Commissioner in writing of the identity of such other consultant(s) and shall submit to the Commissioner a description of the proposed consultant's education, experience and training which is relevant to the work required by this order. The Respondents shall obtain the Commissioner's approval to retain such other consultant(s), prior to retaining such consultant(s). Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
2. **Stormwater Monitoring.** Respondents shall collect stormwater monitoring samples before the end of the monitoring period within which this order is issued and submit the monitoring data to the Commissioner within 90 days of sample collection to meet the monitoring requirement of section 5 of *The General Permit for the Discharge of Stormwater Associated with Industrial Activity*.



3. Address Outstanding NOV's. On or before sixty (60) days from the date of issuance of this order Respondents shall address all of the issues identified in the following NOV's and submit written responses to the Department for the Commissioner's review and written approval:
  - a. WEED: Nos. NOVWSWDH14010, NOVWSWDH16009, and NOVWSWDH17003;
  - b. WPED: Nos. NOVWRSW16003 and NOVWRSW17001;
4. Waste Identification, Management, Removal and Disposal Plan. On or before forty-five (45) days from the date of issuance of this order, Respondents shall submit for the Commissioner's review and written approval a plan for the identification, management, removal and proper disposal of all solid wastes at the Site as defined by CGS Section 22a-207 and all hazardous waste at the Site as defined by CGS Section 22a-448 and all accumulated wastewaters and stormwater at the Site (collectively, "wastes"). At a minimum, the plan shall include, but not be limited to, the following information:
  - a. A detailed inventory of the type, quantity, and location of all wastes at the Site, a description of the procedures to be used for the characterization, management and removal of all wastes from the Site, identification of the permitted facility or facilities that will receive all wastes, identification of all haulers transporting wastes from the Site, and a schedule for expeditious removal and proper disposal of all wastes;
  - b. A diagram or diagrams describing in detail the layout of the Site, including identification of all areas where any wastes have accumulated, been stored or are currently stored, including but not limited to the following areas:
    - i. Roofed Storage Area adjacent to the Casting Shop;
    - ii. Casting Shop;
    - iii. Powerhouse;
    - iv. Extrusion Mill;
    - v. Flat Wire Mill;
    - vi. Rod Mill;
    - vii. Main Office;
    - viii. Waste Water Collection, Conveyance and Treatment System
    - ix. Stormwater collection and conveyances and catch basins; and
    - x. Other underground water conveyances, including tailraces.
  - c. The results, with supporting documentation, of hazardous waste determinations performed pursuant to RCSA Section 22a-449(c)-101(b)(2) and Section 22a-449(c)-102(a)(2)(A) for each waste identified;
  - d. A description of the disposal method and permitted facility(s) proposed for each waste identified;
  - e. A description of how each area where hazardous wastes were stored at the Site will be cleaned and decontaminated in accordance with RCSA Section 22a-449(c)-102(a)(2)(K), incorporating 40 CFR Sections 262.34(a)(4), 265.111 and 265.114 as applicable;



- f. A description of how all other areas identified in paragraph B.4.b of this order will be cleaned, decontaminated and decommissioned, including but not limited to areas with wastewater collection, conveyance or treatment, and all areas with stormwater collection, conveyances or catch basins and tailraces.
  - g. A schedule on which to perform the work; and
  - h. An identification of all persons who will oversee or perform the above activities, including all on-site personnel, all haulers, and all disposal sites proposed to be used.
5. Waste Identification, Management, Removal and Disposal Plan Implementation. Immediately upon approval of the plan required under paragraph B.4 above, Respondents shall implement such plan. Progress reports shall be submitted in accordance with paragraph B.12 of this order.
6. Waste Removal Report. On or before forty-five (45) days after completion of the activities identified in the plan approved under paragraph B.4 above, Respondents shall submit a Waste Removal Report for the Commissioner's review and written approval. The Waste Removal Report shall confirm that the removal of all wastes and closure of all former hazardous waste storage areas and other areas at the Site have been completed pursuant to the plan approved under paragraph B.4 above. Such report shall be prepared by the consultant approved under paragraph B.1 above and include, but not be limited to, copies of all photographs documenting the removal, analytical results indicating completion of closure activities, and all hazardous waste determinations, weight receipts, trip tickets, bills of lading, and manifests demonstrating that all wastes generated from the Site was received at a facility permitted to receive such waste.
7. Updated SWPPP. On or before forty-five (45) days from the date of issuance of this order, Respondents shall submit an updated SWPPP in accordance with the requirements of the stormwater general permit, for the Commissioner's review and written approval, which at a minimum shall include, a description of any areas identified pursuant to paragraph B.4 of this order which are or may be exposed to stormwater, identification of the stormwater collection and conveyances, including tailraces, and catch basins from such areas and the respective stormwater discharge outfalls for such stormwater collection and conveyances and catch basins.
8. Updated SWPPP Implementation. Immediately upon approval of the plan required under paragraph B.7 above, Respondents shall implement the updated SWPPP in accordance with the stormwater general permit. Progress reports shall be submitted in accordance with paragraph B.12 of this order.

**PCBs:**

9. Removal and Remediation of PCBs. Removal of PCB containing equipment shall be performed by personnel qualified in the removal and disposal of such equipment. Any remedial action plan to address PCB contaminated release area(s) must comply with the US EPA approval requirements of 40 CFR 761.
- a. On or before ten (10) days after the issuance of this order Respondents shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by paragraph B.9.b through B.9.l of this order and shall, by that date notify the Commissioner in writing of the identity of such consultants. Respondents shall retain one or more qualified consultants acceptable to the Commissioner until this order is fully complied with, and, within ten (10) days after retaining any consultant(s) other than one(s) originally identified under this paragraph, Respondents shall notify the Commissioner in writing of the identity of such other consultant(s). The consultant(s) retained to prepare the documents and implement or oversee the actions required by this order shall be qualified environmental professionals licensed pursuant to CGS § 22-133v. Respondents 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 (10) days after a request for such a description.



Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable environmental consultant unacceptable.

- b. On or before sixty (60) days from the date of issuance of this order Respondents shall address all of the issues identified in NOV No. NOVWSPCB016-003 and submit a written response to the Department for the Commissioner's review and approval.
- c. On or before sixty (60) days from the issuance of this order, Respondents shall submit for the Commissioner's review and written approval a scope of study for an investigation of the PCB contamination at and emanating from the Site, and the potential impact of such conditions on human health and the environment both on-site and off-site, including but not limited to the existing and potential extent and degree of soil, ground water, surface water, building materials, and sediment. Such scope of study shall include at least the proposed location and depths of ground water monitoring wells and soil, sediment, building materials, and surface water PCB sampling, a proposed sampling and analytical program including at least the parameters to be tested, proposed sampling and analytical methods, and quality assurance and quality control procedures, and a schedule for conducting the PCB investigation.
- d. If the PCB investigations carried out under an approved scope of study does not fully characterize the extent and degree of soil, surface water, sediment, building materials, and groundwater pollution to the satisfaction of the Commissioner, additional PCB investigations shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before thirty (30) days after notice from the Commissioner that they are required.
- e. Respondents shall perform the PCB investigations and other actions specified in the approved scope of study and in any approved supplemental plans in accordance with the approved schedule. Respondents shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each PCB soil, sediment, building materials, and water sampling event at least five (5) business days prior to such installation or sampling.
- f. Except as may be provided in the PCB investigation schedule approved by the Commissioner, on or before thirty (30) days after the approved date for completion of the PCB investigation, Respondents shall submit for the Commissioner's review and written approval a comprehensive and thorough report which: describes in detail the PCB investigation performed; identifies the type, quantity and location of all wastes on the Site; defines the existing and potential extent and degree of soil, ground water, surface water, building materials, and sediment PCB pollution which is on, is emanating from or has emanated from the Site; and evaluates the alternatives for remedial actions to abate such PCB pollution, including but not limited to any alternative specified by the Commissioner; states in detail the most expeditious schedule for performing each alternative, and lists all permits and approvals required for each alternative, including but not limited to any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368, 22a-430 or 22a-467 of the CGS; proposes a preferred remedial alternative with supporting justification for the preferred alternative; and proposes a detailed program and schedule to perform the preferred PCB remedial actions, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial actions. Such report shall also include but not be limited to a soil, ground water, surface water, building materials, and sediment monitoring program to determine the degree to which the approved PCB remedial actions have been effective, and a schedule for performing the approved monitoring program.
- g. Unless another deadline is specified in writing by the Commissioner, on or before thirty (30) days after approval of the report described in the preceding paragraph, Respondents shall submit for the Commissioner's review and written approval contract plans and specifications for the approved PCB remedial actions, a revised list of all permits and approvals required for such actions, and a revised



schedule for applying for and obtaining such permits and approvals. Respondents shall use best efforts to obtain all required permits and approvals.

- h. Respondents shall perform the approved PCB remedial actions in accordance with the approved schedules. Within fifteen (15) days after completing such actions, Respondents shall certify to the Commissioner in writing that the actions have been completed as approved.
- i. Respondents shall perform approved monitoring programs to determine the effectiveness of the PCB remedial actions in accordance with the approved schedules. Respondents shall notify the Commissioner of the date and time of each PCB soil, sediment, building materials, or water sampling event at least five (5) business days before such event. If the approved PCB remedial actions do not result in prevention and abatement of soil, sediment, surface water, building materials, and groundwater PCB pollution to the satisfaction of the Commissioner, additional PCB remedial actions and measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with supplemental plans and schedules prepared by Respondents and approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plans and schedules shall be submitted for the Commissioner's review and written approval on or before thirty (30) days after the notice from the Commissioner that they are required.
- j. On schedules established by the Commissioner or if no schedules are established, on a quarterly basis beginning no later than ninety (90) days after initiation of this approved PCB remedial actions or, as applicable, supplemental PCB remedial actions, Respondents shall submit for the Commissioner's review and written approval reports describing the results to date of the PCB monitoring programs to determine the effectiveness of the remedial actions at the Site.
- k. Respondents may, by written request, ask that the Commissioner approve, in writing, revisions to any document approved hereunder in order to make such document consistent with law or for any other appropriate reason.
- l. If qualified consultants overseeing the initial PCB investigation determine that PCB free product is present, Respondents shall, as soon as possible after such determination, develop and implement a plan to remove free product to the maximum extent technically practicable. Such initial site investigation shall determine: the presence and extent of PCB free product resulting from PCB releases; groundwater pollution resulting from the release that may threaten the quality of drinking water wells; and, if the release has resulted in PCB pollution of soil vapor.

#### **Remediation:**

- 10. Assessment and Clean-up of Releases. On or before thirty (30) days after the Commissioner's approval of the Waste Removal Report required under paragraph B.6 above, Respondents shall retain an environmental professional licensed pursuant to CGS Section 22a-133v (LEP) to prepare documents and implement or oversee the actions required under paragraph B.10.a through B.10.f of this order and shall by that date, notify the Commissioner in writing of the identity of such LEP. Respondents shall retain one or more LEP(s) acceptable to the Commissioner until this order is fully complied with, and within ten (10) days after retaining any LEP other than the one originally identified under this paragraph, Respondents shall notify the Commissioner in writing of the identity of such other LEP. Respondents shall submit to the Commissioner a description of a LEP's education, experience and training which is relevant to the work required by this order within then (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
  - a. Unless a later date is otherwise approved by the Commissioner, Respondents shall complete the investigation of the parcel and remediation of the establishment in accordance with the following schedule:



- i. Investigation workplans and interim status reports shall be submitted to the Commissioner as finalized by the LEP to demonstrate interim progress toward completion of investigation of the parcel;
  - ii. Investigation of the entire parcel shall be completed within one (1) year after the Commissioner's approval of the Waste Removal Report required under paragraph B.6 above;
  - iii. Remediation of the establishment shall be initiated within two (2) years after the Commissioner's approval of the Waste Removal Report required under paragraph B.6 above;
  - iv. Public notice of the remediation shall be provided no less than forty-five (45) days prior to the initiation of such remediation in a manner consistent with Section 22a-134a(i) of the CGS. A copy of the public notice of remediation shall be submitted to the Commissioner immediately after publication of said notice;
  - v. Progress reports concerning the remediation and monitoring of the establishment shall be submitted to the Commissioner on an annual basis starting with the third year after the Commissioner's approval of the Waste Removal Report required under paragraph B.6 above. In addition, remedial action reports generated by the LEP shall be submitted to the Commissioner until remediation is complete; and
  - vi. Remediation shall be completed sufficient to support either a final verification or interim verification within four (4) years after the Commissioner's approval of the Waste Removal Report required under paragraph B.6 above.
- b. Not later than the date specified in the approved schedule, the Respondents shall submit to the Commissioner a Completion of Investigation ("COI") Report and COI transmittal form, approved in writing by the LEP identified pursuant to paragraph B.10 above, documenting that the investigation of the parcel has been completed in accordance with prevailing standards and guidelines. Not later than the date specified in the approved schedule, the Respondents shall submit to the Commissioner a Remedial Action Plan ("RAP") and RAP transmittal form approved in writing by the LEP identified pursuant to paragraph B.10 above. The RAP shall include a schedule for completion of the remedial action. Not later than the date specified in the approved schedule, Respondents shall achieve the remediation standards [RCSA Section 22a-133k-1 through 3 or Remediation Standard Regulations ("RSRs")] for the establishment sufficient to support a final or interim verification and shall submit to the Commissioner a Verification Report and such final or interim verification rendered by the LEP identified pursuant to paragraph B.10.
  - c. If an interim verification is rendered, the Interim Verification Report shall include a schedule for conducting any necessary groundwater monitoring to determine the effectiveness of the remediation in preventing further pollution of groundwater, to track natural attenuation (if applicable), and to demonstrate compliance with the RSRs. Respondents shall conduct the groundwater monitoring program in accordance with the schedule provided in the interim verification report. Upon completion of the groundwater monitoring program, Respondents shall submit a Final Verification Report and a final verification, rendered by the LEP identified pursuant to paragraph B.10 on a form prescribed by the Commissioner.
  - d. The Commissioner may conduct an audit of any verification submitted pursuant to this order.
  - e. The Respondents shall, upon receipt of a written request from the Commissioner, provide to the Commissioner copies of all technical plans, reports and other supporting documentation relating to the investigation of the parcel and remediation of the establishment as specified in the Commissioner's written request.



- f. The Respondent shall perform all actions in accordance with the approved schedule. The Commissioner may approve in writing any schedule modification proposed in writing by the Respondent. The Commissioner may determine at any time that the Commissioner's review and written approval is necessary and in such case will notify the Respondent that the Commissioner's review and written approval is necessary. In such case, the Respondent shall investigate the parcel and remediate the establishment in accordance with the schedule specified by the Commissioner.
11. Financial Assurance. Respondents shall provide financial assurance to the Commissioner in accordance with RCSA Section 22a-209-4(i) to support the work required by this order according to the following requirements:
- a. Cost estimate. On or before thirty (30) days from the issuance of this order, Respondents shall submit for the Commissioner's review and written approval a detailed cost estimate to perform the work required by this order.
  - b. Instrument. Financial assurance instrument types and language shall conform to the requirements of RCSA Section 22a-209-4(i). All instruments identified in the 40 CFR 264.141 to 264.143 inclusive, and 40 CFR 264.151 shall be accepted for review and approval by the Commissioner, with the exception of closure insurance.
  - c. Post-Financial Assurance. Within thirty (30) days after the Commissioner approves the estimate identified in paragraph B.11.a of this order, Respondents shall post financial assurance.
  - d. Maintenance. Respondents shall maintain such financial assurance until the Commissioner notifies the Respondents in writing that the financial assurance is no longer required to be maintained.
12. Progress reports. On or before the last day of March, June, September, and December of each year following the issuance of this order and continuing until all actions required by this order have been completed as approved and to the Commissioner's satisfaction, Respondents shall submit a progress report to the Commissioner describing the actions which Respondents have taken to date to comply with this order.
13. Compliance with laws and regulations. Respondents shall comply with the environmental laws and regulations governing the management of solid and hazardous wastes, including but not limited to CGS Sections 22a-208a, 22a-208c and 22a-449(c), and RCSA Sections 22a-209-4, 22a-209-7, 22a-209-8, and 22a-449(c)-100 through 119, 22a-449(c)-11. Respondents shall not conduct activities requiring a permit from the Commissioner without first having the requisite permit(s) issued by the Commissioner.
14. No Unpermitted Discharge. Respondents shall not initiate, create or maintain a discharge of any water, substance or material from the Site to the ground or to the waters of the state without a valid permit or authorization from the Commissioner issued pursuant to section 22a-430 of the CGS or a general permit issued pursuant to section 22a-430b of the CGS.
15. Full compliance. Respondents 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 Commissioner's satisfaction.
16. Sampling and sample analyses. All sampling and sample analyses which are required by this order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such sampling and analyses. All sampling and sample analyses performed under this order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR 136 or EPA document SW-846, as applicable. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.



- a. The Reasonable Confidence Protocols shall be used when there is a method published by the Department. In all cases where the Reasonable Confidence Protocol method is used, a properly completed laboratory QA/QC certification form certified by the laboratory shall be provided to the Commissioner with the analytical data.
  - b. In cases where a Reasonable Confidence Protocol method has not been published, the analytical data shall be generated using a method approved by the Commissioner, such method shall include and report a level of quality control and documentation equivalent to the Reasonable Confidence Protocols.
  - c. The reporting limit shall be established consistent with the Reasonable Confidence Protocols and standard industrial and laboratory practices. The Reporting Limit shall not be set at levels greater than those used in such standard practices, as determined by the Commissioner, in consultation with the Commissioner of Public Health and in no case shall be greater than the Applicable Criteria or Background Concentration established in Sections 22a-133k-1 through 22a-133k-3 of the RCSA. The Reporting Limit for a given sample shall be corrected for specific sample weight or volume, and dilutions, and, for soil and sediment samples moisture content (reported as dry weight).
17. Approvals. Respondents 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 Respondents that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondents 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 (30) 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.
18. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
19. Dates. The date of "issuance" of this order is the date the order is deposited in the U.S. mail or personally delivered, whichever is earlier. 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 deposited in the U.S. mail or is personally delivered, 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 by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
20. 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 Respondents or, if Respondents are not individuals, by Respondents' chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:
- "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."*



21. False Statements. Any false statement in any information submitted pursuant to this order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
22. Notice of transfer; liability of Respondents. Until Respondents have fully complied with this order, Respondents shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the facility, the operations, the Site or the business which is the subject of this order or after obtaining a new mailing or location address. Respondents' obligations under this order shall not be affected by the passage of title to any property to any other person or municipality.
23. 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 those described in this order. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented any pollution, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to prevent or abate pollution.
24. Respondents' obligations under law. Nothing in this order shall relieve Respondents of other obligations under applicable federal, state and local law.
25. 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 Respondents pursuant to this order will result in compliance or prevent or abate pollution.
26. Access to Site. Any representative of the Department may enter the facility or the Site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this order.
27. No effect on rights of other persons. This order neither creates nor affects any rights of persons that are not parties to this order.
28. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondents become 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, Respondents shall submit the correct or omitted information to the Commissioner.
29. Notification of noncompliance. In the event that Respondents become aware that they 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, Respondents shall immediately notify by telephone the individual identified in the next paragraph 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. Within five (5) days of the initial notice, Respondents shall submit in writing the date, time, and duration of the noncompliance and 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 Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents 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.
30. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this consent order.
31. Submission of documents. Documents required to be submitted to the Commissioner under paragraphs B.1, B.3.a, B.4, B.5, B.6, B.11, B.12, and B.29 of this order shall, unless otherwise specified in writing by the Commissioner, be directed to:



Paul Franson, Environmental Analyst 3  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Waste Engineering and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Documents required to be submitted to the Commissioner under paragraphs B.1, B.2, B.3.b, B.4., B.7, B.8, B.12, and B.29 of this order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Donna Seresin, Sanitary Engineer 3  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Documents required to be submitted to the Commissioner under paragraphs B.9, B.12, and B.29 of this order shall, unless otherwise specified in writing by the Commissioner, be directed to:


Gary Trombly, Environmental Analyst 3  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Emergency Response and Spill Prevention Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Documents required to be submitted to the Commissioner under paragraphs B.10, B.12, and B.29 of this order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Carl Gruszczak, Environmental Analyst 3  
Department of Energy and Environmental Protection  
Bureau of Water Protection and Land Reuse  
Remediation Division  
79 Elm Street  
Hartford, Connecticut 06101-5127

Issued as an order of the Commissioner of Energy and Environmental Protection.

  
Betsey C. Wingfield  
Deputy Commissioner

  
Date