

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT
V.
Thomas G. Faria Corporation

CONSENT ORDER

Date of Issuance October 11, 2011

Order No. CO WR IN 11 003

A. With the agreement of Thomas G. Faria Corporation, the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. Respondent is a corporation which discharges stormwater associated with industrial activity ("stormwater discharge") from its facility located at 385 Norwich-New London Turnpike in Uncasville, Connecticut ("site").
2. Since November 2, 1999, Respondent's stormwater discharge has been regulated by the General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Industrial Stormwater General Permit") issued on October 1, 1997, reissued on October 1, 2002, modified July 15, 2003, reissued October 1, 2007, reissued October 1, 2008, reissued on April 14, 2009 and re-issued on October 1, 2010 pursuant to Connecticut General Statute 22a-430b.
3. Respondent is required to monitor its stormwater discharge annually between October 1st and September 30th in accordance with Subsection 5(c) of the Industrial Stormwater General Permit. Since October 1, 2005, Respondent failed to monitor its stormwater discharge in accordance with the Industrial Stormwater General Permit during the following periods: 2004-2005, 2005-2006, 2006-2007, and 2009-2010. On March 11, 2008, The Department issued Notice of Violation ("NOV") No. NOVWRSW08051 to Thomas G. Faria Corporation for failure to monitor the stormwater discharge.
4. Under the authority of Section 22a-430b of the Connecticut General Statutes, the Commissioner issued a General Permit for the Discharge of Minor Tumbling or Cleaning of Parts Wastewater ("Minor Tumbling & Cleaning General Permit") on June 12, 1992, and reissued June 12, 2002.
5. Respondent submitted a registration for coverage under the Minor Tumbling & Cleaning General Permit on August 19, 2002 and the Commissioner notified Respondent that coverage under such general permit was approved on August 29, 2002 and assigned Respondent registration No. GTC000220.

6. On April 20, 2009, staff from the Department's Bureau of Materials Management & Compliance Assurance inspected the facility and confirmed that Respondent was discharging minor tumbling or cleaning of parts wastewaters at the site.
7. Respondent failed to monitor the discharge(s) of minor tumbling or cleaning of parts wastewaters for specified parameters; including certain metals, settleable solids, oil & grease, pH and total daily flow as required by Part VIII of the Minor Tumbling & Cleaning General Permit, from at least January 2004 to April 20, 2009. Respondent could locate no sampling records during the inspection and stated that sampling ceased in 2004 or 2005. Subsequently, on June 19, 2009, Respondent provided a copy of the analytical report for a sampling event which occurred on January 23, 2006.
8. Respondent failed to meet the effluent limitations specified in Part VII of the Minor Tumbling & Cleaning General Permit as indicated by a nickel result of 2.11 ppm for a sample collected by the Respondent on January 23, 2006, the only known sampling event conducted by the Respondent since 2003. Prior sampling conducted by the Respondent indicated boron and zinc concentrations of 81.8 and 31.4 ppm respectively for samples collected on February 10, 2003, and a zinc concentration of 2.29 ppm for a sample collected on February 26, 2003. The effluent limitations for these parameters are 2.0 ppm for nickel and zinc, and 4.0 ppm for boron.
9. On April 20, 2009, The Department issued Notice of Violation ("NOV") No. NOVWRIN09003RL to Thomas G. Faria Corporation for failure to monitor the discharge of minor tumbling or cleaning of parts wastewaters as required by Part VIII of the Minor Tumbling & Cleaning General Permit, failure to treat the discharge as required by Part VI A. of such general permit, and for discharging press and mold room floor wash waters without a permit.
10. Respondent failed to comply with NOV No. NOVWRIN09003RL. Respondent submitted correspondence, received on June 8 and June 19, 2009, in response to NOVWRIN09003RL. However, these responses lacked supporting documentation and did not fully address the violations and additional comments contained therein.
11. By virtue of the above, Respondent has violated the terms and conditions of the Industrial Stormwater General Permit and the Minor Tumbling & Cleaning General Permit, both issued pursuant to §22a-430b of the Connecticut General Statutes, and has created or is maintaining a facility or condition which can reasonably be expected to create a source of pollution to the waters of the state.

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, 22a-424, §22a-425, §22a-430, §22a-431 and 22a-438 the Connecticut General Statutes, orders Respondent as follows:

1. On or before one-hundred-twenty (120) days after the date of issuance of this consent order, Respondent shall review its Stormwater Pollution Prevention Plan ("SWPPP") and perform a Comprehensive Site Compliance Evaluation in accordance with Section 5 of the Industrial Stormwater General Permit. Respondent shall use the form included in Attachment A to this consent order ("form") to assist in performing such review and evaluation.
2. Within thirty (30) days after the date Respondent performs the review and evaluation required under paragraph B.1. Respondent shall submit, for the Commissioner's review, the completed form, a summary of findings from Respondent's review and evaluation, and a discussion of corrective actions required and taken, including any updates or amendments to the SWPPP necessary to make such SWPPP complete or to otherwise comply with the Industrial Stormwater General Permit.
3. Within thirty (30) days from the date of issuance of this consent order, Respondent shall commence monitoring as required by Part VIII of the Minor Tumbling & Cleaning General Permit at the monitoring frequency required for Respondent's volume of discharge and shall submit the General Permit Compliance Certification Form included in Attachment B to this consent order certifying that the monitoring was completed in accordance with such general permit. Should the results of any monitoring indicate a violation of the effluent limits of such general permit, Respondent shall cease the discharge until Respondent can demonstrate compliance with the effluent limitations.
4. Within sixty (60) days from the date of issuance of this consent order, Respondent shall install a treatment system to treat minor tumbling or cleaning of parts wastewaters as required by Part VI the Minor Tumbling & Cleaning General Permit. Within fourteen (14) days from the installation of the treatment system, Respondent shall: (a) submit the enclosed General Permit Compliance Certification Form certifying that the system installed will insure that all effluent limitations required are met for all discharges of minor tumbling or cleaning of parts wastewaters generated at the site; and (b) update Part IV of the Minor Tumbling & Cleaning General Permit registration to provide a detailed description of the activities generating the discharge(s) and a detailed description of the treatment systems/components installed to treat discharges of minor tumbling or cleaning of parts wastewaters at the site.
5. For the next two calendar years following the date of issuance of this consent order, on or before January 31 of each year, Respondent shall submit, for the previous calendar year, the results of the monitoring conducted as required by the Tumbling & Cleaning General Permit and the violation log(s) for any analytical results or monitoring data collected under such general permit that indicate a violation of an effluent limitation or any other condition of the Minor Tumbling & Cleaning General Permit as required by Part IX of such general permit including, but not limited to, a description of any measures undertaken to correct such violations. With each submittal, Respondent shall submit the enclosed General

Permit Compliance Certification Form certifying compliance with such general permit.

6. Respondent shall collect all press and mold room floorwash waters for off-site disposal at a properly licensed disposal facility until Respondent obtains the appropriate discharge permit or can demonstrate eligibility for the General Permit for Miscellaneous Discharges of Sewer Compatible (MISC) Wastewater.
7. Progress reports: On or before the last day of the months of March, June, September and December following issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
8. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
9. Civil penalty. Respondent agrees to the assessment of a civil penalty of twenty-two thousand dollars (\$22,000) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.3 and A.7 through A.11 of this consent order to be satisfied by the following:
 - a. On or before thirty (30) days after issuance of this consent order, Respondent shall pay a penalty of eleven thousand four hundred and twenty-five dollars (\$11,425).
 - b. Supplemental Environmental Project
In addition to the civil penalty referenced in paragraph B.9, Respondent has agreed to fund the following supplemental environmental project ("SEP") or make payment as follows:
 - i. On or before five (5) months after the date of issuance of this consent order, Respondent shall pay ten thousand five hundred and seventy-five dollars (\$10,575) to the Town of Montville Water Pollution Control Authority and shall certify in writing to the Commissioner that such payment was made. The SEP funds shall be used by the Town of Montville Water Pollution Control Authority to install a new remote computer billing system for their Water Department in accordance with the Memorandum of Understanding between the Department of Environmental Protection¹ and the Town of Montville Water Pollution

¹ Effective July 1, 2011 Public Act 11-80 established the Department of Energy and Environmental Protection ("DEEP") as the successor agency to the Department of Environmental Protection.

Control Authority included as Attachment C to this consent order; or shall be used as otherwise approved in writing by the Commissioner.

- ii. If Respondent fails to fund the SEP in accordance with paragraph B.9.b.i, Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment for unexpended SEP funds equal to: ten thousand five hundred and seventy-five (\$10,575) dollars; plus \$2,500. Within fourteen (14) days after the date of the Commissioner's written request, Respondent shall pay such unexpended SEP funds by certified or bank check payable to "Treasurer State of Connecticut" and the check shall state on its face "Statewide SEP Account, Consent Order No. CO WR IN 11 003." Respondent shall mail or personally deliver such payment to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.
 - iii. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
 - iv. Respondent shall not claim or represent that any SEP payment made pursuant to this consent order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
 - v. In the event that any SEP funds paid by the Respondent are not fully expended in accordance with the Memorandum of Understanding, the Department may use the unexpended SEP funds for additional SEP(s) consistent with its "Policy On Supplemental Environmental Projects."
10. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Materials Management and Compliance Assurance Bureau civil penalty – Water Permitting, & Enforcement, Consent Order No. CO WR IN 11 003."
11. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within

the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this consent 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 consent order. Nothing in this paragraph shall excuse noncompliance or delay.

12. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
13. Dates. The date of "issuance" of this consent order is the date the consent 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 consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent 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 consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent 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.
14. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's 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 Respondent or Respondent's chief executive officer 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."
15. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.

16. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
17. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
18. Commissioner's powers. Nothing in this consent 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 past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
19. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
20. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
21. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
22. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
23. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
24. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any

requirement of this consent order or of any document required hereunder, Respondent 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, Respondent 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 Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent 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.

25. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Rita Langan
Environmental Analyst 2
Department of Energy and Environmental Protection
Bureau of Materials Management & Compliance Assurance
Water Permitting and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order. A corporate resolution granting such authorization is attached hereto as Exhibit A.

Thomas G. Faria Corporation
385 Norwich-New London Turnpike
Uncasville, CT 06382-0983

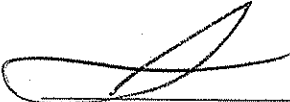
BY: 

David ~~Blackburn~~ MICKEY
President

9-12-11

Date

Issued as a final order of the Commissioner of the Department of Energy and Environmental Protection on:


for Daniel C. Esty
Commissioner

10/5/11
Date

ORDER NO. CO WR IN 11 003
DEP/WPC NO. 086-014
TOWN OF MONTVILLE LAND RECORDS

Corporate Resolution

Thomas G. Faria Corporation

I, Gail Faria, Secretary of the Thomas G Faria Corporation, do hereby certify that on September 6, 2011, David Hickey was employed by the Thomas G Faria Corporation, and that he remains as President and CEO of the company at this time.

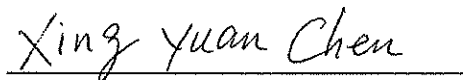
I further certify that as such David Hickey is duly authorized to execute, in the name of the Thomas G Faria Corporation, any and all contracts and other written obligations, including, but not limited to administrative consent orders with the Connecticut Department of Energy and Environmental Protection with respect to environmental matters. In addition, David Hickey is authorized to submit documents to the Department of Energy and Environmental Protection on behalf of the company.



Gail Faria
Secretary
Thomas G Faria Corporation

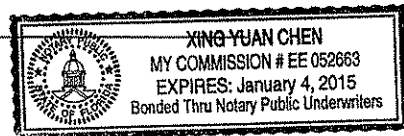
9/9/11
Date

Subscribed and sworn to before me this 9th day of September, 2011.



Notary Public

My Commission Expires:



Certificate of Corporate Secretary

Thomas G Faria Corporation

I, Gail Faria, Secretary of the Thomas G Faria Corporation, do hereby certify that on September 8, 2011 the following resolution was duly approved at a meeting of the Board of Directors of the Thomas G Faria Corporation.

Resolved:

That David Hickey, President and CEO of the Thomas G Faria Corporation, are hereby authorized enter into a certain administrative consent order between the State of Connecticut, Department of Energy and Environmental Protection, and the Thomas G Faria Corporation, on behalf of the Corporation.

Gail Faria

Gail Faria
Secretary
Thomas G Faria Corporation

9/9/11

Date

Acknowledgement of Corporate Secretary:

State of FL
County of Lee

On this 9th day of September 2011, be me, _____ the undersigned officer, personally appeared Gail Faria, who acknowledged herself to be the Secretary of the Thomas G Faria Corporation, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as Secretary.

In witness whereof I hereunto set my hand.

Xing Yuan Chen

Notary Public

Date Commission Expires: _____



