

79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT :

v. :

Corbin Russwin, Inc. :

CONSENT ORDER No. CO WR IN 13 002

Date of Issuance: July 5, 2013

A. With the agreement of Corbin Russwin, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. The Respondent is a Connecticut business which is or has been engaged in producing door hardware with a principal place of business located at 225 Episcopal Road in Berlin, Connecticut (the "facility").
2. The Respondent maintains State Permit No. SP0000072 ("State Permit"), which was re-issued by the Department of Energy and Environmental Protection ("Department") in 2011. The State Permit allows the Respondent to discharge up to 155,000 gallons per day of treated metal finishing wastewater to the Mattabassett District Commission.
3. On several occasions, the Respondent has violated the effluent limits for copper, nickel, and amenable cyanide specified in the State Permit. These effluent violations are identified in Attachment A.
4. By virtue of the above, Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state and violated the State Permit.

B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-424, 22a-425, 22a-427, 22a-430, 22a-432 and 22a-438 of the Connecticut General Statutes, orders Respondent as follows:

1. Consultant Retention. On or before fifteen (15) days after the date of issuance of this consent order, the Respondent shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such consultants. The consultants retained to perform the studies, draft reports and oversee any remedial measures shall be a qualified professional engineer licensed to practice in Connecticut acceptable to the Commissioner. A qualified professional engineer shall : 1) not be an employee, as defined by the Internal Revenue Service of the Internal Revenue Code of 1986, of the Respondent; 2) not have a financial interest, of any kind, in the activity for which a certification is being submitted; 3) not have been engaged in any activities associated with the preparation, planning, design or engineering of the plans and specifications for the engineered treatment systems for which certification in accordance with paragraph B.2. of this consent order will be

submitted; and 4) not be under the same employ as any person who engaged in any activities associated with the preparation, planning, design or engineering of the plans and specifications for the engineered treatment systems. The Respondent shall submit to the Commissioner a description of each consultant's education, experience and training that is relevant to the work required by this consent order within ten days after a request for such a description. The Respondent shall retain one or more qualified consultants acceptable to the Commissioner until the actions required by this consent order have been completed. Within ten (10) days of retaining any consultant other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

2. On or before sixty (60) days after the date of issuance of this consent order, the Respondent shall submit to the Commissioner, from a qualified Professional Engineer, a written certification in accordance with Attachment B that facility practices, the Operation and Maintenance Plan, all respective Wastewater Collection and Treatment equipment and employee training are adequate to ensure that the activity authorized by the State Permit will comply with the terms and conditions of such permit. The certification shall be based on a review of compliance with permit requirements including but not limited to: 1) the processes generating wastewater(s); 2) operation and maintenance requirements and regulations; 3) wastewater treatment operator(s) training and expertise; 4) records retention requirements and regulations; and 5) reporting requirements and regulations.
3. 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.
4. Civil penalty. On or before fifteen (15) days after issuance of this consent order, Respondent shall pay a penalty of twenty-four thousand and four hundred forty dollars (\$24,440) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.3 of this consent order.
5. 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, CT 06106-5127, and shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Bureau of Materials Management and Compliance Assurance, civil penalty, consent order WC- \_\_\_\_."
6. Sampling and sample analyses. All sampling and sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the U.S. Environmental Protection Agency and/or 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. 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.
7. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and acceptable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not accept 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 accepting any document or other action under this consent order, the Commissioner may accept 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.

8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
9. 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.
10. 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 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."
11. 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.
12. 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.
13. 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.
14. Commissioner's powers. "Except as provided hereinabove with respect to payment of civil penalties," 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.

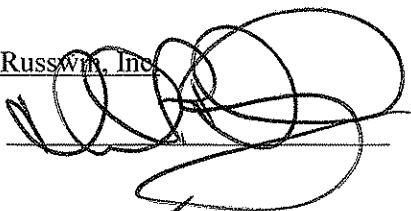
15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
16. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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:

Kevin Barrett, Sanitary Engineer III  
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

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 signed and dated corporate resolution from the Respondent is attached hereto as Attachment C.

Corbin Russwin, Inc.

BY:



25 June 13  
Date

Issued as a final order of the Commissioner of Energy and Environmental Protection.

  
\_\_\_\_\_  
Macky McCleary  
Deputy Commissioner

7/3/13

\_\_\_\_\_  
Date

cc: Town of Berlin Land Records

**Attachment A : Effluent Violations**

**Company:** Corbin-Russwin  
**Permit No:** SP0000072  
**DSN:** 001-1

Parameter	Type	Limit	Month	Year	Cont?	Value
		mg/l				mg/l
Copper	AML	1	Nov.	2012	no	1.3
Nickel	AML	1	Nov.	2012	no	6
Nickel	AML	1	Dec.	2012	yes	2.3
Nickel	MDL	2	Nov.	2012	no	12
Nickel	MDL	2	Nov.	2012	yes	3.8
Nickel	MDL	2	Nov.	2012	yes	4.7
Nickel	MDL	2	Dec.	2012	yes	4.9
Cyanide, Amenable	AML	0.32	Oct.	2012	no	1.33
Cyanide, Amenable	AML	0.32	Nov.	2012	yes	0.65
Cyanide, Amenable	MDL	0.86	Oct.	2012	no	6.67
Cyanide, Amenable	MDL	0.86	Nov.	2012	yes	2.6
Cyanide, Amenable	Max	1.29	Oct.	2012	no	20
Cyanide, Amenable	Max	1.29	Nov.	2012	yes	7.8

**CERTIFICATE OF CORPORATE SECRETARY  
CORBIN RUSSWIN, INC.**

I, L. Page Heslin, Secretary of Corbin Russwin, Inc. (the "Corporation"), do hereby certify that effective January 1, 2011 the following resolution was duly approved by the Board of Directors of the Corporation.

**RESOLVED:**

That Dave DeLacey, Shawn O'Brien and Timothy Gazda are hereby authorized to execute in the name of the Corporation any and all environmental documents, reports, certifications, permit applications and the like (Documents) to be submitted to the State of Connecticut Department of Environmental Protection, the United States Environmental Protection Agency, and any and all other federal, state and local governmental and/or quasi-governmental agencies, and any and all other entities to whom Documents must be submitted by the Corporation, and to submit such Documents to the appropriate entities on behalf of the Corporation.

**AND, DO HEREBY FURTHER CERTIFY,** that pursuant to this resolution Dave DeLacey, General Manager of Corbin Russwin, Inc., is authorized to enter into a certain administrative consent order between the State of Connecticut Department of Energy and Environmental Protection, and Corbin Russwin, Inc., on behalf of the Corporation.

*[Affix Corporate Seal]*

Date: June 25, 2013

Signature: L. Page Heslin

Name of Secretary: L. Page Heslin

Title: Secretary

Name of Company: Corbin Russwin, Inc.

Acknowledgement of Corporate Secretary:

State of Connecticut

County of New Haven

ss: New Haven

On this, the 25th day of June, 2013, before me, L. Page Heslin personally appeared and acknowledged herself to be the Secretary of Corbin Russwin, Inc. and, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing as Secretary, before me.

IN WITNESS WHEREOF, I hereunto set my hand.

*[Affix Notary Seal]* Signature: Linda Dean

Name of Notary Public: LINDA DEAN

Date Commission Expires: FEBRUARY 28, 2015

