



STATE OF CONNECTICUT

V.

UNIMETAL SURFACE FINISHING, LLC

CONSENT ORDER No. CO WR IN 15 002

Date of Issuance: July 15, 2020

A. With the agreement of UniMetal Surface Finishing, LLC ("the Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. The Respondent is a domestic limited liability company with a business address of 135 South Main Street, P.O. Box 902, Woodbury Connecticut, 06798 and a mailing address of P.O. Box 902, Thomaston, Connecticut 06787. Quality Rolling and Deburring Co., Inc., ("QRDCI") and Donham Craft Incorporated are members of the Respondent's company.
2. The Respondent engages in metal finishing job shop activities at 135 South Main Street, Thomaston, Connecticut (the "Thomaston facility") and at 15 East Waterbury Road, Naugatuck, Connecticut (the "Naugatuck facility"). QRDCI formerly operated the Thomaston facility and Donham Craft Incorporated formerly operated the Naugatuck facility.

VIOLATIONS RELATED TO PERMIT NO. CT0025305

3. The Respondent is responsible for compliance with National Pollutant Discharge Elimination System Permit No. CT0025305 ("the NPDES Permit") for the Thomaston facility. On or about April 1, 2008, this NPDES Permit was issued by the Commissioner to QRDCI and on or about August 5, 2011, was transferred by the Commissioner to the Respondent.
4. The NPDES Permit authorizes the Respondent to discharge up to 110,000 gallons per day of treated metal finishing wastewater and related ancillary wastewaters from the Thomaston facility to the Naugatuck River. In August 2005, the U.S. Environmental Protection Agency approved a total maximum daily load ("TMDL") that includes a portion of the Naugatuck River into which the Respondent is authorized to discharge ("the discharge area"). The TMDL was established because portions of the Naugatuck River, including the discharge area, was not meeting designated uses for aquatic life support due to toxicity from point and nonpoint source pollution. The discharges from the Respondent's facility, then operated as QRDCI, was specifically identified as one of the potential point sources contributing to the aquatic toxicity problem that necessitated the TMDL.
5. On or about September 26, 2012, DEEP issued the Respondent a Notice of Violation, NOV WR IN 12 022, for effluent limit violations of the NPDES Permit regarding total nitrogen, total zinc, biochemical oxygen demand and total cyanide. This NOV was closed on June 26, 2014.

6. On October 2, 2012, the Respondent submitted to the Department of Energy and Environmental Protection ("DEEP") a timely application to renew the NPDES Permit ("NPDES renewal application"). Therefore, pursuant to Conn. Gen. Stat. § 4-182, the NPDES Permit remains in effect until, at a minimum, DEEP makes a final determination regarding the NPDES renewal application.
7. On or about February 6, 2014, DEEP issued the Respondent a Notice of Violation, NOV WR IN 14 003 for effluent limit violations of the NPDES Permit regarding aquatic toxicity. This NOV remains open.
8. On or about March 13, 2015, DEEP issued the Respondent a Notice of Violation, NOV WR IN 15 002, for effluent limit violations of the NPDES Permit regarding total nitrogen and total copper. This NOV remains open.
9. On or before April 2015, the Respondent modified its wastewater treatment system and/or processes at its Thomaston facility without Department approval in violation of Section 22a-430-3(i) of the Regulations of Connecticut State Agencies ("RCSA"). These modifications include, but are not limited to:
 - a. Relocating a metal finishing process from its Naugatuck facility to its Thomaston facility;
 - b. Adding a different biomass to the bio-tower;
 - c. Converting two zinc plating baths from ammonium chloride to mixed ammonium/boric chloride and;
 - d. Substituting an alternate rust preventative for the formulation that was authorized by the NPDES Permit.

The Respondent has asserted that the modifications to its Thomaston facility noted in b through d, inclusive, of this paragraph were made in an effort to comply with the NPDES Permit and in response to the March 2015 Notice of Violation NOVWRIN15002 issued by DEEP.

10. On May 8, 2015, the Respondent submitted a *Facility and Wastewater Treatment Systems Modifications* application to the Department, requesting approval under section 22a-430-3(i) of the Regulations of Connecticut State Agencies ("RCSA") for the modifications listed above in paragraphs A.9.b through A.9.d of this consent order. On May 22, 2015, the Department approved the modifications. The May 22, 2015 approval letter did not include approval of the relocation of a metal finishing process from the Naugatuck facility to the Thomaston facility, listed above in paragraph A.9.a of this consent order. The Respondent had addressed that violation by moving the process back to the Naugatuck facility.
11. In addition to the violations already noted in this consent order, on several occasions listed in Attachment A to this consent order, the Respondent violated the effluent limits in Section 5 of the NPDES Permit for biochemical oxygen demand, total copper, total cyanide, total suspended solids, total nitrogen, total nickel, total zinc and total fluoride.
12. In addition to the violations already noted in this consent order, on several occasions listed in Attachment B to this consent order, the Respondent violated the effluent limits for aquatic toxicity specified in Section 5 of the NPDES Permit. In response, the Respondent is performing a Toxicity Reduction Evaluation, as required by Section 9 of the NPDES Permit and RCSA section 22a-430-3(j)(10)(C).
13. In addition to the violations already noted in this consent order, from October 2014 through June 2017, the Respondent discharged a cyanide-containing compound (ferricyanide) from a chromate bath without authorization under the NPDES Permit, in violation of RCSA section 22a-430-3(d).

On or about July 28, 2017, the Respondent orally reported to DEEP that it had switched to a new formulation that does not contain cyanide and that it had stopped the discharge of the cyanide-containing compound (ferricyanide).

14. On February 14, 2017, the Respondent submitted a *Facility and Wastewater Treatment Systems Modifications* application to the Department, requesting approval under RCSA section 22a-430-3(i) to modify the wastewater treatment system at the Thomaston Facility and undertake a pilot study designed to explore additional wastewater treatment options to improve effluent quality and continue the Toxicity Identification Evaluation/Toxicity Reduction Evaluation ("TIE/TRE") the Respondent had begun. The pilot study treatment included metals precipitation, microfiltration, carbon filtration and reverse osmosis. Treated effluent from the pilot study treatment system will be directed back into the equalization tank of the existing treatment system and treated prior to discharge. On March 10, 2017, the Department approved the modifications and the pilot study. The approval letter requires the Respondent to submit a report to the Department within forty-five (45) days of the conclusion of the pilot study. The report shall include all of the results of the pilot study and a detailed description of the feasibility of modifying the existing treatment system.
15. On February 5, 2018, Department permitting staff requested Respondent to submit, by March 30, 2019, a comprehensive, certified, final report regarding the pilot study that was to include the following: 1) a description of all of the alternatives that have been explored to address compliance with the NPDES Permit and the status of each alternative; 2) selection of a final remedy; 3) an expeditious schedule to implement the remedy.
16. On March 30, 2018, the Respondent submitted a report entitled "NPDES Permit Compliance" in response to DEEP's February 5, 2018 request. The report stated that additional testing would be undertaken, and that the pilot microfiltration system was unable to consistently achieve compliance with the NPDES effluent limitations. The report includes Respondent's proposed solution, including: a) modification and improvements to the NPDES wastewater treatment system; b) facility-wide flow reductions and a water conservation evaluation; c) removal of select rinse waters from the NPDES wastewater treatment system; and d) redirecting the wastewater through the pretreatment wastewater treatment system with discharge to the Town of Thomaston's Water Pollution Control Facility ("WPCF"). The report indicates that the Town of Thomaston WPCF is studying the Respondent's request to accept additional flow from the Respondent's Thomaston Facility.

VIOLATIONS RELATED TO PRETREATMENT PERMIT NO. SP0002461

17. On or about March 6, 2014, the Respondent was issued Pretreatment Permit No. SP0002461 by the Commissioner ("Pretreatment Permit"). This Pretreatment Permit authorizes the discharge of treated metal finishing wastewaters from the Respondent's Thomaston Facility to the Town of Thomaston's WPCF.
18. On September 4, 2018, the Respondent submitted a timely application to renew the Pretreatment Permit ("the Pretreatment renewal application"). Therefore, pursuant to Conn. Gen. Stat. § 4-182, the Pretreatment Permit remains in effect until, at a minimum, DEEP makes a final determination regarding the Pretreatment renewal application.
19. On March 20, 2018, Respondent discharged wastewater to the WPCF that contained hexavalent chromium at a concentration of 4.1 milligrams per liter, and total chromium at a concentration of 4.35 milligrams per liter, which exceed the effluent limitations for total chromium of 2.0 milligrams per liter allowed in Section 4 of the Pretreatment Permit. The Respondent's investigation of the exceedances revealed that an employee was not processing a container properly and also that piping from the drum rinsing station erroneously led to the Pretreatment

Permit tumbling area pit. Such drum rinsing wastewater was not authorized to be discharged to the WPCF under the Pretreatment Permit. The Respondent reported to DEEP that it had taken the following corrective actions to prevent future violations of the Pretreatment Permit: cutting and sealing the pipe that had led from the drum rinsing station to the tumbling area; training pertinent employees (linemen and treatment operators) about proper areas for empty drum storage; installing larger instructional signage; and installing a physical barrier to separate the drum processing areas to further eliminate the possibility of cross contamination.

20. By virtue of the above, the Respondent has violated the terms and conditions of the Pretreatment Permit, the NPDES Permit, and RCSA Sections 22a-430-3(e) and 22a-430-3(i). This consent order does not necessarily specify all violations of these permits, the applicable regulations, or other environmental violations that have or may have occurred at the Respondents' Thomaston and Naugatuck facilities, and the Commissioner specifically reserves the right to any action authorized by law regarding any such violations. The Commissioner has determined that the system treating the wastewater discharge authorized by the NPDES Permit, or the operation thereof, no longer insures or adequately protects against pollution of the waters of the state, and the 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.
- B. With the agreement of the Respondent, the Commissioner, acting under Sections 22a-6, 22a-424, 22a-427, 22a-430, 22a-432 and 22a-438 of the Connecticut General Statutes, orders the Respondent as follows:
1. The Respondent has retained Arcadis U.S., Inc. ("Arcadis") as its consultant. The Commissioner finds Arcadis acceptable and so Arcadis can prepare the documents and implement or oversee the actions required by this consent order. The Respondent shall continue to retain Arcadis or one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with. Within ten (10) days after retaining any consultant other than Arcadis, the Respondent shall notify the Commissioner in writing of the identity of such other consultant. The Commissioner will indicate, in writing to the Respondent, whether any such new consultant retained by the Respondent is acceptable. The Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent 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 consultant unacceptable.
 2. On or before May 1, 2021, the Respondent shall surrender the NPDES Permit, withdraw the NPDES renewal application, and cease the discharge authorized under such NPDES Permit. This action is final and shall not be subject to modification, including through any request by the Respondent, provided that nothing in this paragraph is intended to or shall be construed to affect any authority of the commissioner authorized by law including, but not limited to, seeking penalties or taking any action regarding non-compliance by the Respondent not identified in this Consent Order.
 - a. To specify how compliance with this requirement will be achieved, on or before sixty (60) days from the date of issuance of this consent order by the Commissioner, the Respondent shall submit for the Commissioner's review and written approval a plan and schedule, which at a minimum, shall include:
 - i. A detailed description of all measures to be undertaken to divert or cease the discharge authorized by the NPDES Permit including, but not limited to, pollutant source reduction, process changes/innovations, chemical substitutions, water conservation measures, other internal or end-of-pipe treatment facilities, and re-direction of the discharge into the

sanitary sewer. If the Respondent intends to divert the discharges authorized by the NPDES Permit to the Town of Thomaston WPCF, the description shall include the steps the Respondent intends to take to maintain compliance with the Pretreatment Permit;

- ii. A detailed description of the most expeditious schedule for performing the measures to be undertaken, including start and completion dates of any construction activities related to any internal or end-of-pipe treatment facilities, and for submission of engineering plans and specifications;
 - iii. A detailed description and schedule for applying for and obtaining all local and state permits and approvals required for such actions including, but not limited to, any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368, 22a-430 or 22a-430b of the Connecticut General Statutes; and
 - iv. If applicable, a closure/decontamination plan consistent with the "Water Permitting and Enforcement Division Closure/Decontamination Plan Requirements" described in Attachment C to this consent order, for the elimination of any operation or treatment system with a contributory discharge, the discontinuation of a discharge, or the closure of the entire Thomaston Facility or any portion thereof.
- b. The Respondent shall implement the actions in accordance with the plan and schedule approved by the Commissioner pursuant to paragraph B.2.a. of this consent order. Within fifteen (15) days after completing such actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved by the Commissioner.
3. Progress reports: The Respondent shall submit to the Commissioner quarterly progress reports beginning sixty (60) days after the date of issuance of this consent order. Progress reports shall be submitted on January 1st, April 1st, July 1st and October 1st of each year and continue until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction. Progress reports shall include, but not be limited to, a summary of all actions performed by the Permittee during the previous ninety (90) day period and a detailed description of progress made by the Permittee in performing the actions in accordance with the approved plan and schedule approved pursuant to paragraph B.2 of this consent order including, but not limited to, development of engineering plans and specifications, construction activity, contract bidding, operational changes, preparation and submittal of permit applications, and any other actions specified in such plan and schedule.
4. Full compliance. The 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.
5. Civil penalty. The Respondent shall pay a penalty of sixty-four thousand dollars (\$64,000.00), in two installments, as the total penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.4 through A.19 of this consent order to be satisfied by the following:
- a. On or before thirty (30) days from the date of issuance of this consent order, the Respondent shall pay the first installment of the civil penalty of thirty-two thousand dollars (\$32,000.00).
 - b. On or before 180 days from the date of issuance of this consent order, the Respondent shall pay the second installment of thirty-two thousand dollars (\$32,000.00).

6. 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 CO WR IN 15 002."
7. Financial Assurance. Before the issuance of this Consent Order by the Commissioner, to assure compliance with all requirements of this consent order and all the applicable requirements of chapter 446k of the Connecticut General Statutes, including, but not limited to, the NPDES Permit and the Pretreatment Permit, the Respondent has provided a financial assurance in the form of an irrevocable Letter of Credit in the amount of \$376,000.00. The Respondent shall maintain this letter of credit in effect until the Commissioner notifies the Respondent, in writing, of the Commissioner's determination that the requirements of this Consent Order have been satisfactorily completed, after which the letter of credit may be terminated with the written consent of the Commissioner. The wording of the Letter of Credit maintained by the Respondent shall be identical to that in Attachment D to this Consent Order.
8. 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.
9. Approvals. The 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 the Respondent that any document or other action is deficient, and does not accept it with conditions or modifications, it is deemed disapproved, and the 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 thirty (30) days of the Commissioner's notice of deficiencies. In approving any plan, document or other action under this consent order, the Commissioner may approve the plan, 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.
10. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. 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.

12. 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 the Respondent or, if the Respondent is not an individual, by the 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."

13. 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 the Respondent to an injunction and penalties.
14. 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.
15. Notice of transfer; liability of the Respondent. Until the Respondent has fully complied with this consent order, the Respondent 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 consent order or after obtaining a new mailing or location address. The 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.
16. 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 the 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 the Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
17. The Respondent's obligations under law. Nothing in this consent order shall relieve the Respondent of other obligations under applicable federal, state and local law.
18. 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 the Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
19. 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.

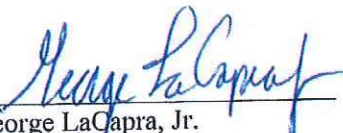
20. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
21. Notice to Commissioner of changes. Within fifteen (15) days of the date the Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Respondent shall submit the correct or omitted information to the Commissioner.
22. Notification of noncompliance. In the event that the 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, the 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, the 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the 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.
23. 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:

Diane D. Foberg, Environmental Analyst 2
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

The 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 certified resolution for a limited liability company from the Respondent is attached hereto as Attachment E.

UniMetal Surface Finishing, LLC

BY:


George LaCapra, Jr.
Managing Member

1-7-20
Date

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

July 13, 2020
Betsey Wingfield
Deputy Commissioner

Betsey Wingfield
Date

cc: Town of Thomaston Land Records

Attachment A to Consent Order No. CO WR IN 15 002: Effluent Violations
(Note: effluent violations for aquatic toxicity are listed in Attachment B)

Parameter	Type	Limit	Month	Year	Value
Biochemical Oxygen Demand [mg/l]	MDL	50	Sept.	2011	55
Biochemical Oxygen Demand [mg/l]	AML	30	Oct.	2011	31
Biochemical Oxygen Demand [mg/l]	MDL	50	Apr.	2014	53.8
Biochemical Oxygen Demand [mg/l]	MDL	50	May	2014	54.6
Biochemical Oxygen Demand [mg/l]	AML	30	Feb.	2016	35.625
Biochemical Oxygen Demand [mg/l]	MDL	50	Mar.	2016	67.3
Biochemical Oxygen Demand [mg/l]	MDL	50	July	2016	67.5
Biochemical Oxygen Demand [mg/l]	MDL	50	Sept.	2016	68.9
Biochemical Oxygen Demand [mg/l]	MDL	50	Aug.	2017	152.5
Biochemical Oxygen Demand [mg/l]	AML	30	Aug.	2017	50.3
Copper, Total [g/day]	AML	56.1	Dec.	2013	59.96
Copper, Total [g/day]	AML	56.1	Feb.	2014	58.8
Copper, Total [g/day]	MDL	112.5	Feb.	2014	115.7
Copper, Total [g/day]	MDL	112.5	Sept.	2014	145.7
Copper, Total [mg/l]	AML	0.24	Oct.	2015	0.255
Copper, Total [g/day]	AML	56.1	Oct.	2015	66.8
Copper, Total [mg/l]	AML	0.24	Nov.	2015	0.31
Copper, Total [g/day]	AML	56.1	Nov.	2015	78.5
Copper, Total [g/day]	AML	56.1	Apr.	2016	56.8
Copper, Total [mg/l]	AML	0.24	Oct.	2016	0.257
Copper, Total [g/day]	AML	56.1	Oct.	2016	78.65
Copper, Total [mg/l]	AML	0.24	Nov.	2016	0.253
Copper, Total [g/day]	AML	56.1	Nov.	2016	68.42
Copper, Total [g/day]	AML	56.1	Sept.	2017	72.317
Cyanide, Total [mg/l]	AML	0.007	Mar.	2012	0.03
Cyanide, Total [mg/l]	MDL	0.012	Mar.	2012	0.03
Cyanide, Total [mg/l]	MIL	0.018	Mar.	2012	0.070
Cyanide, Total [mg/l]	MIL	0.018	Nov.	2016	0.1
Cyanide, Total [mg/l]	AML	0.007	Nov.	2016	0.0275
Cyanide, Total [mg/l]	MDL	0.012	Nov.	2016	0.0275
Cyanide, Total [mg/l]	AML	0.007	June	2017	0.0127
Cyanide, Total [mg/l]	MDL	0.012	June	2017	0.017
Total Suspended Solids [mg/l]	AML	20	Apr.	2014	30.8
Total Suspended Solids [mg/l]	MDL	30	Apr.	2014	125
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2011	17.36
Nitrogen, Total [kg/day]	AML	14.9	May	2012	20.5
Nitrogen, Total [kg/day]	AML	14.9	June	2012	16.2
Nitrogen, Total [kg/day]	AML	14.9	July	2012	28.6
Nitrogen, Total [kg/day]	AML	14.9	Aug.	2012	15.7
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2012	23.7
Nitrogen, Total [kg/day]	AML	14.9	Dec.	2012	15.4
Nitrogen, Total [kg/day]	AML	14.9	Mar.	2013	19
Nitrogen, Total [kg/day]	AML	14.9	Apr.	2013	16.7
Nitrogen, Total [kg/day]	AML	14.9	Aug.	2013	16.7
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2013	18.5
Nitrogen, Total [kg/day]	AML	14.9	Jan.	2014	17.2
Nitrogen, Total [kg/day]	AML	14.9	Feb.	2014	16.7
Nitrogen, Total [kg/day]	AML	14.9	July	2014	18.8
Nitrogen, Total [kg/day]	AML	14.9	Aug.	2014	22.2

UniMetal Surface Finishing, LLC
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Parameter	Type	Limit	Month	Year	Value
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2014	18.8
Nitrogen, Total [kg/day]	AML	14.9	Oct.	2014	21.5
Nitrogen, Total [kg/day]	AML	14.9	Nov.	2014	21.14
Nitrogen, Total [kg/day]	AML	14.9	Jan.	2015	23.49
Nitrogen, Total [kg/day]	AML	14.9	Mar.	2015	21.56
Nitrogen, Total [kg/day]	AML	14.9	July	2015	28.4
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2015	21.1
Nitrogen, Total [kg/day]	AML	14.9	Oct.	2015	16.16
Nitrogen, Total [kg/day]	AML	14.9	Nov.	2015	19.3
Nitrogen, Total [kg/day]	AML	14.9	Mar.	2016	16.1
Nitrogen, Total [kg/day]	AML	14.9	Apr.	2016	16.78
Nitrogen, Total [kg/day]	AML	14.9	July	2016	21.56
Nitrogen, Total [kg/day]	AML	14.9	Oct.	2016	17.3
Nitrogen, Total [kg/day]	AML	14.9	Dec.	2016	21.82
Nickel, Total [g/day]	MDL	279	Nov.	2015	433.3
Nickel, Total [g/day]	AML	139	Nov.	2015	167.6
Nitrogen, Total [kg/day]	AML	14.9	June	2017	19.3
Nitrogen, Total [kg/day]	AML	14.9	July	2017	31.28
Nitrogen, Total [kg/day]	AML	14.9	Aug.	2017	22
Nitrogen, Total [kg/day]	AML	14.9	Sept.	2017	21.23
Zinc, Total [mg/l]	MDL	1	Feb.	2016	1.5
Zinc, Total [mg/l]	MDL	1	May	2016	1.13
Zinc, Total [mg/l]	MDL	1	Oct.	2016	1.02
Zinc, Total [mg/l]	MDL	1	May	2017	1.39
Zinc, Total [mg/l]	MDL	1	June	2017	1.34
Zinc, Total [mg/l]	MDL	1	Aug.	2017	1.12
Fluoride, Total [mg/l]	AML	20	Feb.	2015	25.6
Fluoride, Total [mg/l]	AML	20	May	2015	23
Fluoride, Total [mg/l]	AML	20	June	2015	23.3
Fluoride, Total [mg/l]	MDL	30	June	2015	50
Fluoride, Total [mg/l]	AML	20	July	2015	47.1
Fluoride, Total [mg/l]	MDL	30	July	2015	78
Fluoride, Total [mg/l]	AML	20	Aug.	2015	23.75
Fluoride, Total [mg/l]	MDL	30	Aug.	2015	31
Fluoride, Total [mg/l]	AML	20	Nov.	2016	20.3

AML-Average Monthly Limit

MDL-Maximum Daily Limit

MIL-Maximum Instantaneous Limit

Attachment B to Consent Order No. CO WR IN 15 002: Aquatic Toxicity Effluent Violations

Parameter	Type(MDL)	Limit %	Month	Year	Value %
Aquatic Toxicity, Daphnia pulex, NOAEL=52.7	>=	90			
			Sept	2013	68
			Apr	2014	72
			Jul	2014	84
			Aug	2014	86
			Sept 23	2014	64
			Oct	2014	46
			Nov	2014	72
			Jan	2015	86
			Mar	2015	64
			Apr	2015	46
			May	2015	46
			Jun	2015	26
			Jul	2015	0
			Sept	2015	46
			Oct	2015	34
			Nov	2015	52
			Jan	2016	60
			Feb	2016	4
			Mar	2016	86
			Aug	2016	32
			Nov	2016	80
			Dec	2016	0
			Jan	2017	58
			Feb	2017	26
			Jul	2017	68
			Aug	2017	64
			Sept	2017	38
Aquatic Toxicity, Pimephales promelas, NOAEL=52.7	>=	90			
			Sept	2013	0
			Oct	2013	0
			Nov	2013	0
			Mar	2014	28
			Apr	2014	86
			May	2014	0
			Jun	2014	0
			Jul	2014	34
			Aug	2014	28
			Sept 9	2014	36
			Sept 23	2014	0
			Oct	2014	60
			Nov	2014	12
			Jan	2015	78
			Feb	2015	68
			Mar	2015	14
			May	2015	0
			Jul	2015	0
			Aug	2015	20

			Oct	2015	0
			Nov	2015	0
			Dec	2015	0
			Feb	2016	0
			Mar	2016	68
			Aug	2016	0
			Dec	2016	0
			Jan	2017	0
			Feb	2017	0
			Apr	2017	86
			May	2017	46
			Jul	2017	32
			Sept	2017	0
Aquatic Toxicity, Daphnia pulex, Survival in 100%	>=	50			
			Sept	2013	2
			Oct	2013	16
			Nov	2013	0
			Mar	2014	28
			Apr	2014	24
			May	2014	0
			Jun	2014	46
			Jul	2014	6
			Aug	2014	4
			Sept 9	2014	6
			Sept 23	2014	0
			Oct	2014	2
			Nov	2014	8
			Jan	2015	10
			Feb	2015	44
			Mar	2015	22
			Apr	2015	26
			May	2015	0
			Jun	2015	0
			Jul	2015	0
			Aug	2015	0
			Sept	2015	18
			Oct	2015	0
			Nov	2015	0
			Dec	2015	0
			Jan	2016	0
			Feb	2016	0
			Mar	2016	2
			Apr	2016	0
			May	2016	38
			Aug	2016	0
			Nov	2016	2
			Mar	2017	36
			Apr	2017	4
			Jun	2017	48
			Jul	2017	0
			Aug	2017	30
Aquatic Toxicity, Pimephales promelas, Survival in 100%	>=	50			

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			Sept	2013	0
			Oct	2013	0
			Nov	2013	0
			Jan	2014	0
			Feb	2014	0
			Mar	2014	0
			Apr	2014	0
			May	2014	0
			Jun	2014	0
			Jul	2014	0
			Aug	2014	0
			Sept 9	2014	0
			Sept 23	2014	0
			Oct	2014	0
			Nov	2014	0
			Dec	2014	0
			Jan	2015	0
			Feb	2015	0
			Mar	2015	0
			Apr	2015	0
			May	2015	0
			Jun	2015	0
			Jul	2015	0
			Aug	2015	0
			Sept	2015	0
			Oct	2015	0
			Nov	2015	0
			Dec	2015	0
			Jan	2016	0
			Feb	2016	0
			Mar	2016	0
			Apr	2016	0
			May	2016	0
			Jul	2016	0
			Aug	2016	0
			Sept	2016	0
			Nov	2016	0
			Dec	2016	0
			Mar	2017	0
			Apr	2017	0
			Jun	2017	16
			Jul	2017	0
			Aug	2017	0

MDL-Maximum Daily Limit
%-Percent survival

ATTACHMENT C OF CONSENT ORDER NO. CO WR IN 15 002

WATER PERMITTING AND ENFORCEMENT DIVISION CLOSURE/DECONTAMINATION PLAN REQUIREMENTS

1. Elimination of any operation or treatment system with a contributory discharge, the discontinuation of a discharge or the closure of an entire facility or any part thereof shall require compliance with the requirements of subsections (d) through (h) and (p) of Section 22a-430-3 of the Regulations of Connecticut State Agencies.
2. The closure/decontamination plan shall include, but is not limited to the following information:
 - A. A description of each operation or treatment system being eliminated and/or each discharge being discontinued.
 - B. The anticipated date of elimination of each operation or treatment system, discontinuation of each discharge and/or closure of the facility or part thereof.
 - C. Identification and quantification of all chemicals, solvents, oils and similar materials (virgin, used and waste) being stored on-site and associated with the closure.
 - D. A description of how the materials listed in subsection 2.C., above, will be managed (e.g., on-site treatment, off-site disposal, use in another on-site operation, transfer for use at another facility, return/resale to vendor). For all materials to be shipped off-site, the final destination or disposal site must be identified.
 - E. A description of what wet processes and/or waste treatment equipment will remain on-site and what equipment will be removed.
 - F. A description of how the equipment, process and waste treatment areas will be cleaned or decontaminated.
 - G. The volumes of wastewater anticipated to be generated during the cleaning and decontamination and how such wastewater will be managed and disposed.
 - H. Identification of any company hired to perform any closure/decontamination related activities, if applicable.
 - I. A drawing of the facility showing all areas where closure/decontamination activities will be performed, all wastewater treatment equipment, wastewater collection trenches and sumps, and all catch basins, floor drains and any other points through which spills or releases could migrate.
 - J. A schedule for all closure/decontamination activities, including submission of a final report documenting all such activities. The final report shall include copies of appropriate documentation (e.g., manifests, bills of lading) to demonstrate proper disposition of all materials shipped off-site.
3. The permittee shall schedule an inspection of the facility with the Water Permitting and Enforcement Division for verification of all closure/decontamination activities.

ATTACHMENT D TO CONSENT ORDER NO. CO WR IN 15 002
CTDEEP Financial Assurance Irrevocable Letter of Credit

[MUST BE PRINTED ON ISSUING BANK LETTERHEAD]

Date: [Insert Issuance Date-ENTER MONTH, DATE, YEAR]

Irrevocable Letter of Credit No. [Insert L/C Number]

Applicant: UniMetal Surface Finishing, LLC.
135 South Main Street
P.O. Box 902
Thomaston, CT 06787

Beneficiary: Commissioner, Connecticut Department of Energy
and Environment Protection
79 Elm Street,
Hartford, CT 06106-5127

Amount: US \$376,000.00

Commissioner, Connecticut Department of Energy
and Environment Protection
79 Elm Street,
Hartford, CT 06106-5127

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. [Insert LC Number] in your favor, at the request and for the account of the Applicant, UniMetal Surface Finishing, LLC, 135 South Main Street, P.O. Box 902, Thomaston, Connecticut 06787, up to the aggregate total amount of Three Hundred Seventy-Six Thousand U.S. Dollars (\$376,000.00). We hereby authorize the Commissioner of the Connecticut Department of Energy and Environmental Protection ("the Commissioner") to draw at sight on us, [Insert name and address of issuing bank] an aggregate amount up to the total amount, available upon presentation of:

- (1) your sight draft, bearing reference to this Letter of Credit No. [Insert L/C Number], and
- (2) your signed dated statement reading as follows: "I certify that the amount of the draft is payable because I have determined one or more of the following:
 - (A) One or more violations of Consent Order No. CO WR IN 15 002 ("Consent Order"), issued by the Commissioner to the Applicant, has occurred; or

(B) After the date of issuance of this Consent Order by the Commissioner, discharges at or emanating from the property located at 135 South Main Street, Thomaston, Connecticut 06787 has become a potential source of pollution (as that term is defined in Conn. Gen. Stat. § 22a-423) which has not been remedied to my satisfaction within five (5) business days of receipt of a written notice, including by electronic means, from me that a pollution condition exists; or

(C) If any or all operations at the facility located at 135 South Main Street, Thomaston, Connecticut 06787 have ceased, and the Applicant has not properly decommissioned, including closure/decontamination, any or all such operations to my satisfaction; or

(D) The Applicant no longer owns, leases or has an interest in the property located, or is no longer conducting operations, at 135 South Main Street, Thomaston, Connecticut 06787 and an irrevocable stand-by letter of credit, acceptable to the Commissioner, to replace this letter of credit, has not been provided to the Commissioner; or

(E) The issuing bank has notified me that it has decided not to extend this letter of credit beyond the current expiration date.”

This letter of credit is effective as of [Insert Issuance Date – Month, Date, Year] and shall expire on [Month, Date, Year At least One Year Later], but such expiration date shall be automatically extended for a period of one year and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and Applicant, UniMetal Surface Finishing LLC, by certified mail or nationally recognized courier service that we have decided not to extend this letter of credit beyond the current expiration date (the “non-renewal notice”). In the event you are so notified, any unused portion of this letter of credit shall be available upon presentation of your sight draft for a period ending 120 days after the date of receipt by you of the non-renewal notice, as shown on the signed return receipts or evidence of courier delivery.

Multiple and partial draws on this letter of credit are expressly permitted, up to an aggregate amount not to exceed the total amount. Whenever this letter of credit is drawn on under and in compliance with the terms of this letter of credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into a Connecticut Department of Energy and Environmental Protection dedicated account in accordance with your instructions.

All banking and other charges under this letter of credit are for the account of the Applicant.

This letter of credit is issued subject to the edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce, in effect on the date this Letter of Credit is issued.

UniMetal Surface Finishing, LLC
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By signing, the signatory below certifies, under penalty of law, that the issuing institution is an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a Federal or State agency.

[SIGNATURE(S) OF OFFICIAL(S) OF ISSUING INSTITUTION]

[TITLE(S) OF OFFICIAL(S) OF ISSUING INSTITUTION]

Date: [MONTH, DATE, YEAR]

UniMetal Surface Finishing, LLC
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Attachment E to Consent Order No. CO WR IN 15 002

Certified Resolution for Limited Liability Company

RESOLUTIONS AND CERTIFICATIONS OF THE MANAGERS OF
UNIMETAL SURFACE FINISHING, LLC

The undersigned, being all of the Managers of **Unimetal Surface Finishing, LLC** (the "Company"), a limited liability company organized under the laws of the State of Connecticut, hereby adopt the following resolutions by written consent, in lieu of a special meeting of the Manager:

RESOLVED: That the Company shall enter into Consent Order No. CO WR IN 15 002 with the Commissioner of Energy and Environmental Protection, upon such terms and conditions as are set forth in a proposed consent order transmitted to the Company by way of correspondence from Oswald Inglese, Jr., Director of the Bureau of Materials Management & Compliance Assurance, Water Permitting and Enforcement Division, dated December 10, 2019; and


RESOLVED, FURTHER: That George LaCapra, Jr., as Manager of the Company, shall be, and he hereby is, authorized to sign on behalf of the Company the said Consent Order and all such forms and documents in furtherance of the foregoing resolution, including the establishment of a letter of credit as required by the Consent Order.

The undersigned hereby further certify that the following signatories are authorized by the Company's Operating Agreement the Articles of Organization to enter into the said Consent Order, to bind the Company thereto, and are duly qualified and acting in the capacity set forth beside his or her name below:

Signed this 1th day of January, 2020.


Managers:

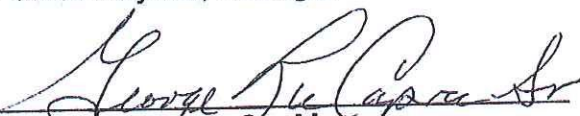
Witness:


George LaCapra, Jr., Manager


Kimberly A. Hayden


Patrick Hayden, Manager


Reem M. R.


George LaCapra, Sr., Manager

