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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT
V.
Swift Textile Metalizing LLC

CONSENT ORDER No. CO WR IN 21 001
ISSUED: *November 12, 2021*

- A. With the agreement of Swift Textile Metalizing LLC ("Respondent"), the Commissioner of Energy & Environmental Protection ("the Commissioner") finds:
1. Respondent is a limited liability company registered to do business in Connecticut with the Connecticut Secretary of the State.
 2. Respondent's registered business address listed with the Connecticut Secretary of the State is 23 Britton Drive, Bloomfield, Connecticut.
 3. Respondent is or has been engaged in the production of metalized fabric at 23 Britton Drive, Bloomfield, Connecticut, which location is more fully described as Map/Block/Lot number 89-3-56-41043 on the Town of Bloomfield land records ("the facility" or "the site").
 4. On November 8, 2018, Respondent received an approval of registration (Registration No. CTCIU0034) under the General Permit for the Discharge of Wastewaters from Categorical Industrial Users to a Publicly Owned Treatment Works (POTW) ("CIU GP") to discharge treated wastewaters associated with metal finishing operations at the facility to the sanitary sewer system by way of Discharge Serial Number ("DSN") 201-1. The CIU GP was replaced and superseded by the General Permit for the Discharge of Wastewaters from Significant Industrial Users (SIU) ("SIU GP") on October 31, 2020, with continued permit coverage based on the submittal of an SIU GP registration on or before April 29, 2021. On April 26, 2021, Respondent submitted a registration for the SIU GP (Application No. 202105023) for continued permit coverage for DSN 201-1.
 5. On October 16, 2018, the Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division ("WPED") conducted a compliance inspection at the site. Based on findings from this inspection and a review of the Respondent's compliance record on July 9, 2019, it was determined that numerous effluent violations had occurred at DSN 201-1. On July 9, 2019, WPED issued Notice of Violation ("NOV") No. WR IN 19 028 to Respondent for violating the effluent limitations at DSN 201-1 of the CIU GP registration for tin, silver, total suspended solids, and pH on various

occasions between January and May 2019 (see Attachment A: summary of effluent violations).

6. On September 18, 2019, WPED performed a review of the Respondent's compliance record and determined that Respondent was in significant noncompliance ("SNC"), as that term is defined by Title 40 of the Code of Federal Regulations ("CFR") 403.8(f)(2)(viii), for tin and silver effluent violations at DSN 201-1 of the CIU GP registration, which occurred between January and June 2019 (see Attachment A). The violations that triggered SNC for Federal Fiscal Year ("FY") 2019 Quarter ("Q") 3 were cited in NOV No. WR IN 19 028 issued on July 9, 2019, with the exception of the violations that occurred in June 2019.
7. On November 14, 2019, WPED issued NOV No. WR IN 19 056 to Respondent for violating the effluent limitations at DSN 201-1 of the CIU GP registration for tin, silver, total suspended solids, and amenable cyanide between June and September 2019 (see Attachment A). The cited tin and silver violations put the Respondent into SNC for a second time in fiscal year 2019 (FY19 Q4).
8. On March 17 and September 14, 2020, based on compliance record reviews, WPED determined that Respondent was in SNC in two additional quarters (FY20 Q1 and Q3) for silver effluent violations at DSN 201-1 of the CIU GP that occurred between July 2019 and June 2020 (see Attachment A).
9. On October 14, 2020, WPED issued NOV No. WR IN 20 029 to Respondent for violating the effluent limitations at DSN 201-1 of the CIU GP registration for silver between November 2019 and July 2020 (see Attachment A).
10. In October 2020, through a compliance record review, WPED found that Respondent violated the effluent limitation at DSN 201-1 of the CIU GP registration for tin in October 2020 (see Attachment A).
11. On December 16, 2020, based on a compliance record review, WPED determined that Respondent was in SNC in FY20 Q4 for silver effluent violations that occurred in July 2020 (see Attachment A). These violations were addressed in NOV No. WR IN 20 029.
12. Respondent submitted responses to NOV No. WR IN 19 028, NOV No. WR IN 19 056, and NOV No. WR IN 20 029 on August 20, 2019, October 31, 2019, November 21, 2019, January 31, 2020, and November 9, 2020. In these responses, the effluent violations were attributed to various improper operation and maintenance procedures employed for the permitted wastewater collection, conveyance, and treatment system, in violation of Section 5(e) of the CIU GP and section 22a-430-3(f) of the Regulations of Connecticut State Agencies. The final response, submitted on November 9, 2020, addressed the remaining effluent violations, with the exception of the tin violations that occurred in October 2020. Respondent reported the October 2020 tin violations by email on October 13, 2020, which included an explanation of the root cause and corrective actions taken. Respondent has not reported any effluent violations since October 13, 2020.

13. By virtue of the above, Respondent has violated section 22a-430 of the CGS, the CIU GP, specifically the conditions of Registration No. CTCIU0034, and section 22a-430-3 of the RCSA.

- B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, 22a-424, 22a-427, 22a-430, 22a-430b, 22a-431, 22a-432, and 22a-438 of the Connecticut General Statutes (“CGS”), orders Respondent as follows:
 1. Respondent shall maintain its compliance with the applicable permitting mechanism and shall not discharge without authorization from the Commissioner pursuant to section 22a-430 of the Connecticut General Statutes and 22a-430-1 through 22a-430-4 of the Regulations of Connecticut State Agencies.

 2. Civil Penalty. Respondent agrees to the assessment of a penalty of **forty-six thousand six hundred dollars (\$46,600.00)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.5 through A.12 of this consent order, according to the following schedule:
 - a. The first installment of the penalty shall be in the amount of **twenty-three thousand three hundred dollars (\$23,300.00)** due and payable on or before fifteen (15) days after the date of issuance of this consent order.

 - b. The second installment of the penalty shall be in the amount of **five thousand eight hundred twenty-five dollars (\$5,825.00)** due and payable on or before ninety (90) days after the date of issuance of this consent order.

 - c. The third installment of the penalty shall be in the amount of **five thousand eight hundred twenty-five dollars (\$5,825.00)** due and payable on or before one hundred and eighty (180) days after the date of issuance of this consent order.

 - d. The fourth installment of the penalty shall be in the amount of **five thousand eight hundred twenty-five dollars (\$5,825.00)** due and payable on or before two hundred seventy (270) days after the date of issuance of this consent order.

 - e. The fifth installment of the penalty shall be in the amount of **five thousand eight hundred twenty-five dollars (\$5,825.00)** due and payable on or before three hundred sixty-five (365) days after the date of issuance of this consent order.

 3. 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 “Treasurer, State of Connecticut.” The check shall state on its face, “**Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division**, civil penalty, Consent Order No. WR IN 21 001”. A copy of

any check used for payment and any transmittal letter for such a payment shall also be sent to the individual identified in paragraph B.18 of this consent order.

4. 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.
5. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
6. 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.
7. 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 section 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 is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law."
8. 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.
9. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law.

10. 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 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. 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.
11. 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.
12. Respondent's obligations under law. Nothing in this consent order shall relieve the Respondent of other obligations under applicable federal, state and local law.
13. 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.
14. 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.
15. 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.
16. Notice to Commissioner of changes. Within fifteen (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.
17. 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

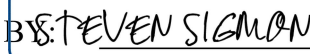
compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

18. 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:

Nancy Wollenberg, Environmental Analyst 3
Department of Energy & 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.

RESPONDENT

DocuSigned by:

5E9DAD0C285A4411
Steven Sigmon, President
Swift Textile Metalizing, LLC

10/28/21
Date

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

DocuSigned by:

2102140805C4731
Betsey Wingfield
Deputy Commissioner

11/12/2021
Date

ORDER NO. CO WR IN 21 001

CO WR IN 21 001 – Attachment A: summary of effluent violations

Swift Textile Metalizing, 36 Britton Drive, Bloomfield**Summary of Effluent Violations January 2019 through October 2020**

<u>DATE</u>	<u>PARAMETER</u>	<u>PERMIT LIMIT</u>	<u>REPORTED VALUE</u>
January 2019	Tin, total, Mo. Avg.	2.00 mg/l	4.123 mg/l
January 2019	Tin, total, Daily Max.	4.00 mg/l	11.00 mg/l
February 2019	Silver, total, Mo. Avg.	0.10 mg/l	2.229 mg/l
February 2019	Silver, total, Daily Max.	0.43 mg/l	2.00 mg/l
April 2019	Solids, total suspended, Daily Max.	100.00 mg/l	290.00 mg/l
April 2019	Tin, total, Mo. Avg.	2.00 mg/l	16.20 mg/l
April 2019	Tin, total, Daily Max.	4.00 mg/l	47.00 mg/l
May 2019	Silver, total, Mo. Avg.	0.10 mg/l	0.244 mg/l
May 2019	Silver, total, Daily Max.	0.43 mg/l	0.69 mg/l
May 2019	Tin, total, Mo. Avg.	2.00 mg/l	6.35 mg/l
May 2019	Tin, total, Daily Max.	4.00 mg/l	18.00 mg/l
May 2019	pH, range during sample	11.00 S.U.	11.25 S.U.
May 2019	pH, maximum	11.00 S.U.	11.25 S.U.
June 2019	Solids, total suspended, Daily Max.	100.00 mg/l	150.00 mg/l
June 2019	Silver, total, Mo. Avg.	0.10 mg/l	1.6025 mg/l
June 2019	Silver, total, Daily Max.	0.43 mg/l	3.10 mg/l
June 2019	Tin, total, Mo. Avg.	2.00 mg/l	2.6375 mg/l
June 2019	Tin, total, Daily Max.	4.00 mg/l	9.50 mg/l
July 2019	Silver, total, Mo. Avg.	0.10 mg/l	0.282 mg/l
July 2019	Silver, total, Daily Max.	0.43 mg/l	0.50 mg/l
August 2019	Tin, total, Mo. Avg.	2.00 mg/l	8.94 mg/l
August 2019	Tin, total, Daily Max.	4.00 mg/l	29.00 mg/l
September 2019	Tin, total, Mo. Avg.	2.00 mg/l	4.5 mg/l
September 2019	Tin, total, Daily Max.	4.00 mg/l	18.00 mg/l
November 2019	Silver, Total, Daily Max.	0.43 mg/l	1.60 mg/l
November 2019	Silver, Total, Mo. Avg.	0.10 mg/l	0.35 mg/l

CO WR IN 21 001 – Attachment A: summary of effluent violations

<u>DATE</u>	<u>PARAMETER</u>	<u>PERMIT LIMIT</u>	<u>REPORTED VALUE</u>
May 2020	Silver, Total, Daily Max.	0.43 mg/l	1.40 mg/l
May 2020	Silver, Total, Mo. Avg.	0.10 mg/l	0.75 mg/l
June 2020	Silver, Total, Mo. Avg.	0.10 mg/l	0.153 mg/l
July 2020	Silver, Total, Daily Max.	0.43 mg/l	0.78 mg/l
July 2020	Silver, Total, Mo. Avg.	0.10 mg/l	0.257 mg/l
October 2020	Tin, Total, Mo. Avg.	2.00 mg/l	2.615 mg/l
October 2020	Tin, Total, Daily Max.	4.00 mg/l	9.700 mg/l