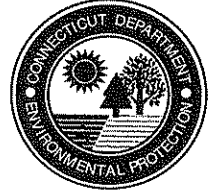


**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



STATE OF CONNECTICUT

V.

ADVANCED GRAPHICS, INC.

CONSENT ORDER no. COWSWDH 10014

Date Issued: August 17, 2010

- A. With the agreement of Advanced Graphics, Inc. ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:
1. Respondent is a company, which is, or has been, engaged in custom coating and screen printing at 430 Sniffens Lane, Stratford, Connecticut ("the site").
 2. Respondent is or has been a generator of hazardous waste at the site.
 3. Based on an inspection conducted by the Department of Environmental Protection, Waste Engineering and Enforcement Division on November 12, 2009, Respondent:
 - a. Failed to perform hazardous waste determinations on all wastes generated at the site as required by the Regulations of Connecticut State Agencies ("RCSA") section 22a-449(c)-102(a)(1), incorporating Title 40 of the Code of Federal Regulations ("40 CFR") section 262.11. Specifically, hazardous waste determinations were required for lacquer thinner-contaminated paper towels, paint-contaminated cups and buckets, and paint cans with contents, which had all been disposed of in the trash. Also, by failing to perform initial hazardous waste determinations, Respondent failed to perform annual updates on hazardous waste determinations as required by RCSA section 22a-449(c)-102(a)(2)(A), incorporating 40 CFR 262.11 with specified changes.
 - b. Failed to adhere to the small quantity generator accumulation limit as required by RCSA section 22a-449(c)-101(a)(2)(O), incorporating 40 CFR 262.34(d)(1) with specified changes. Specifically, several times between March 16, 2006 and July 16, 2008, inclusive, Respondent accumulated more than 1000 kilograms of hazardous waste, despite claiming to be a small quantity generator.

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- c. Failed to prepare and submit a biennial report as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.41(a). Specifically, by accumulating more than 1000 kilograms of hazardous waste on site, Respondent operated as a large quantity generator and was required to submit a biennial report for 2007.
- d. Failed to mark containers with the words "Hazardous Waste" as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(3). Specifically, five 55-gallon drums in storage at the time of the inspection were not marked with the words "Hazardous Waste".
- e. Failed to mark containers with the date upon which accumulation began as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(2). Specifically, one 55-gallon drum in storage at the time of the inspection was not marked with the accumulation start date.
- f. Failed to provide secondary containment for the hazardous waste storage area as required by RCOSA section 22a-449(c)-102(a)(2)(E), incorporating 40 CFR 262.34(a)(1)(i) and 264.175(a).
- g. Failed to provide an impervious base for the hazardous waste container storage area as required by RCOSA section 22a-449(c)-102(a)(2)(E), incorporating 40 CFR 262.34(a)(1)(i) and 264.175(b)(1).
- h. Failed to keep hazardous waste containers closed except when waste was being added or removed as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(1)(i) and 265.173(a). Specifically, during the November 12, 2009 inspection, one 55-gallon drum had an open funnel in its large bung opening.
- i. Failed to develop a written inspection schedule for the facility as required by RCOSA section 22a-449(c)-102(b)(2), incorporating 40 CFR 265.15(b).
- j. Failed to record inspections in a log or summary as required by RCOSA section 22a-449(c)-102(b)(2), incorporating 40 CFR 265.15(d).
- k. Failed to prepare a contingency plan as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.51.
- l. Failed to provide hazardous waste training for all employees at the facility involved in hazardous waste management as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.16(a).
- m. Failed to maintain job titles for each position at the facility related to hazardous waste management, and the name of the employee filling each job as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.16(d)(1).
- n. Failed to maintain job descriptions for each position at the facility related to hazardous waste management as required by RCOSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.16(d)(2).
- o. Failed to maintain a written description of initial and continuing training for each position at the facility related to hazardous waste management as required by

RCSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.16(d)(3).

- p. Failed to maintain records documenting training or job experience for each position at the facility related to hazardous waste management as required by RCSA section 22a-449(c)-102(a)(1), incorporating 40 CFR 262.34(a)(4) and 265.16(d)(4).
 - q. Failed to comply with registration and reporting requirements for the recycling of hazardous waste as required by RCSA section 22a-449(c)-101(c)(2). Respondent recycles spent thinner from the cleaning of its paint spray guns on site in distillation units that are not an integral part of its production process and thus needs to comply with the registration and reporting requirements in the above-referenced regulation.
4. On January 22, 2010, the Department of Environmental Protection issued Notice of Violation no. WSWDH10010 to Respondent to correct the violations listed in paragraphs A.3.a. through A.3.q. of this Consent Order.
 5. Based on documentation submitted to the Department of Environmental Protection by Respondent dated February 19 and March 5, 2010, Respondent has corrected the violations alleged in paragraphs A.3.d. through h. as of Respondent's February 19 and March 5, 2010 submittals. Based on observations made by the Department of Environmental Protection on November 12, 2009, Respondent was in compliance with the regulations cited in paragraph A.3.b. at the time of the November 12, 2009 inspection.
 6. By virtue of the above, Respondent has violated sections 22a-449(c)-100 through 119 of the Regulations of Connecticut State Agencies, incorporating Title 40 of the Code of Federal Regulations, Parts 260 through 279.

B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-131 and 22a-449 of the Connecticut General Statutes ("CGS"), orders Respondent as follows:

1. Compliance Assurance: Respondent shall correct all violations identified in paragraph A.3. above and shall maintain its compliance with all applicable provisions of the hazardous waste management regulations, RCSA sections 22a-449(c), et seq., including but not limited to those regulations applicable to generators of hazardous waste identified in paragraph A.3. above. In particular,
 - a. On or before **thirty (30)** days after issuance of this consent order, Respondent shall retain one or more qualified consultant(s) 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 consultant(s). Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with, and, within ten (10) days after retaining any consultant(s) other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant(s). 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.

- b. On or before **sixty (60)** days after issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval the results, with supporting documentation (including analytical data, as appropriate), of a hazardous waste determination performed on each waste identified under paragraph A.3.a. above.
- c. On or before **sixty (60)** days after issuance of this consent order, Respondent shall submit a proposed plan and schedule for the expeditious removal and proper disposal of all wastes which are not being managed in accordance with RCSA sections 22a-449(c)-100, *et. seq.*, including but not limited to hazardous waste accumulated on site for more than ninety (90) days. The plan and schedule must provide for the removal and disposal of any waste identified under paragraph A.3.a. that is determined to be hazardous under paragraph B.1.b. The removal schedule shall provide for the completion of removal within no longer than **thirty (30)** days after approval of the plan. Hazardous waste shall be removed in accordance with all applicable laws by a transporter holding a valid permit from DEP to transport hazardous waste.
- d. On or before **ten (10)** days after removal of the wastes specified in paragraph B.1.b. above, Respondent shall submit to the Commissioner certification that such wastes have been removed as required, and documentation demonstrating such removal.
- e. On or before **sixty (60)** days after issuance of this consent order, Respondent shall perform all actions which the Commissioner alleges it failed to perform as specified in paragraph A.3. of this consent order and submit for the Commissioner's review and written approval certification of compliance with the waste handling requirements specified in these paragraphs, and documentation demonstrating such compliance.
- f. On or before **ninety (90)** days after issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval a plan which details the actions and/or operational changes necessary to ensure future compliance with the Connecticut hazardous waste management regulations in RCSA sections 22a-449(c)-100 – 119 and the Connecticut recycling laws set forth in CGS section 22a-241b(c). If Respondent intends to operate as a small quantity generator, the plan must specifically describe measures to be taken to ensure that

the 1000-kilogram accumulation limit is not exceeded, and that all hazardous waste is shipped off-site within 180 days of its accumulation start date.

Within five (5) days after the Commissioner approves such plan, Respondent shall carry out the plan and maintain it in full effect thereafter.

2. 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.
3. Status of Notice of Violation no. WSWDH10010. This consent order supersedes Notice of Violation no. WSWDH10010.
4. Civil penalty. Respondent agrees to the assessment of a civil penalty of **twenty-five thousand, four hundred dollars (\$25,400.00)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.3.a. through A.3.q. of this consent order. The penalty shall be paid in ten separate, successive payments in the amount of **two thousand, five hundred and forty dollars (\$2,540.00)**, each to be paid on or before **thirty (30), sixty (60), ninety (90), one hundred and twenty (120), one hundred and fifty (150), one hundred and eighty (180), two hundred and ten (210), two hundred and forty (240), two hundred and seventy (270) and three hundred (300)** days from the date of issuance of this consent order.
5. Supplemental Environmental Project – Compliance audits and pollution prevention assessments. In addition to the payment of the civil penalty referenced in paragraph B.4. above, Respondent has agreed to conduct a Supplemental Environmental Project ("SEP"). Respondent agrees to conduct compliance audits and pollution prevention assessments ("audits") as described below at the site, or pay additional civil penalties. Respondent shall be credited up to **ten thousand dollars (\$10,000.00)** to perform the audits.
 - a. On or before **thirty (30)** days after the date of issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval the name of the consultant(s) retained to perform the audits required pursuant to this paragraph, and a description of such consultant's education, experience and training which is relevant to the work required by this paragraph. In addition, Respondent shall certify to the Commissioner that such consultant: (i) is not a subsidiary or affiliated corporation; (ii) does not own stock in Respondent or any parent, subsidiary, or affiliated corporation; (iii) is not otherwise engaged by Respondent to prepare documents or implement or oversee any other actions required by this consent order; (iv) has no history of participation in any previous contractual agreement, and no anticipated future contractual relationships, with Respondent or any parent, subsidiary, or affiliated corporation, which, in the Commissioner's judgment and after full disclosure of such participation, would affect the consultant's ability to exercise the independent judgment and discipline

required to conduct the compliance audit(s); and (v) has no other direct financial stake in the outcome of the compliance audit(s) outlined in this consent order. Respondent shall retain such consultant(s) acceptable to the Commissioner until paragraph B.5. of this consent order is fully complied with. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

- b. Respondent shall cause the consultant to perform audits at the site for the periods ending **December 31, 2010, June 30, 2011, December 31, 2011, and June 30, 2012**. Each audit shall be performed within **thirty (30)** days of December 31, 2010, June 30, 2011, December 31, 2011, and June 30, 2012. Respondent's consultant, approved pursuant to paragraph B.5.a., shall conduct a comprehensive audit of the facility to evaluate compliance with all applicable provisions of the hazardous waste management regulations, RCSA sections 22a-449(c)-100, et seq., including but not limited to those regulations applicable to generators of hazardous waste identified in paragraph A.3. above, and the Connecticut recycling laws set forth in CGS section 22a-241b(c).
- c. On or before **sixty (60)** days after the date of issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval a detailed written report which proposes a work plan that shall be followed by the consultant, approved pursuant to paragraph B.5.a., in performing the audits. Such work plan shall include a detailed description of the procedures that shall be followed in evaluating Respondent's facility for compliance with all applicable provisions of the hazardous waste management regulations, RCSA sections 22a-449(c)-100, et seq., including but not limited to those regulations applicable to generators of hazardous waste identified in paragraph A.3. above, and the Connecticut recycling laws set forth in CGS section 22a-241b(c).
- d. As soon as possible, but not later than **thirty (30)** days after completion of each audit, Respondent shall remedy any violations discovered therein and shall submit to the Commissioner for her review and written approval a detailed written report of the results of the audit conducted pursuant to paragraph B.5. which describes all observations and conclusions made by the consultant with respect to Respondent's compliance or noncompliance with the items listed in paragraph B.5.c. The written audit reports shall be prepared in accordance with the work plan approved pursuant to paragraph B.5.c. Each audit report shall include, but not be limited to, a summary of compliance with statutes, regulations, permits and this consent order; copies of all completed forms used to record all observations; a description of all remedial actions taken to address each violation discovered; a description of the audit process, including the areas of the facility inspected, the records reviewed and persons interviewed to determine compliance; and other requirements: e.g. sampling and analytical methods used. Respondent shall take prompt remedial action to correct each and every violation discovered during each audit. The audit report shall include a certification of compliance by Respondent

that the facility has been brought back into compliance as to any violations discovered during the audit and documentation demonstrating such compliance. If Respondent determines that the correction of any violation requires more than thirty (30) days to complete, the audit report shall include a detailed written plan for correcting the violation, including but not limited to, a schedule to complete said remedial measures.

- e. Should the Commissioner determine that the actual cost to Respondent in completing the audits is less than the estimated cost identified in the proposal approved by the Commissioner in accordance with paragraph B.5.b., Respondent shall pay the difference between such actual cost and estimated cost to the Statewide Supplemental Environmental Project ("SEP") Account. The Commissioner shall notify Respondent in writing of the amount due. Respondent shall, within **fourteen (14)** days after the date of such written notice, remit the full amount due to the Statewide SEP Account. Any such payment shall be 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. WSWDH10014 ." Respondent shall mail or personally deliver such payment to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.
 - f. The Commissioner reserves the right to pursue enforcement action against Respondent for violations discovered during the audit process. The Commissioner shall not be limited in any way in conducting independent inspections for enforcement purposes.
6. Payment of penalties. Payment of the penalty required under this consent order shall be mailed or personally delivered to the Department of 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, Engineering and Enforcement Division civil penalty, consent order COWSDH 10014 ." A copy of each check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance at the same address.
 7. 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 **thirty (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.

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 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 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 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 may be punishable as a criminal offense under section 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.

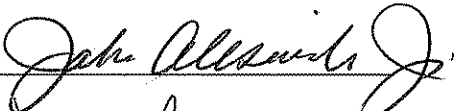
12. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law.
13. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than **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.
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.
17. Access to site. Any representative of the Department of Environmental Protection may enter the site 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 **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.

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:

Justin Williams, Sanitary Engineer
Department of Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering 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.

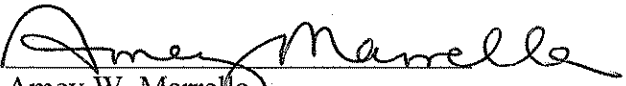
Advanced Graphics, Inc.

BY: 
JOAN ALESTOVICH
NAME (Typed)
PRESIDENT
TITLE (Typed)

DATE: 8/9/10

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

August 16, 2010
Date


Amey W. Marrella
Commissioner

CONSENT ORDER no. COWSWDH 10014