



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



STATE OF CONNECTICUT

V.

HAMORY ENTERPRISES, INC.

D/B/A ANTIFREEZE TECHNOLOGY SYSTEMS

CONSENT ORDER# WSWDH10018

Date Issued: December 17, 2010

A. With the agreement of Hamory Enterprises, Inc. d/b/a Antifreeze Technology Systems ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds:

1. Respondent is a business that is or has been engaged in the transportation and recycling of used antifreeze, and is located at 1 Seasons Lane, Londonderry, New Hampshire ("the site").
2. Respondent is or has been a transporter of Connecticut Regulated Waste within or through the State of Connecticut.
3. Based on an inspection and an in-house records review conducted by the Department of Environmental Protection ("DEP"), Waste Engineering and Enforcement Division on April 7, 2010, Respondent:
 - a. Transported hazardous wastes or Connecticut Regulated Wastes in or through the State of Connecticut without having received a permit from the Commissioner as required by the Connecticut General Statutes ("CGS") Section 22a-454.
4. On June 18, 2010, the DEP issued Notice of Violation no. WSWDH10069 to Respondent to correct the violation listed in subparagraph A.3.a of this consent order.
5. In correspondence received on July 20, 2010, Respondent submitted a compliance statement and stated the interest in settling the matter through a consent order.
6. In correspondence received on September 21, 2010, Respondent has corrected the violation cited in paragraph A.3.a.
7. By virtue of the above, Respondent has violated CSG Section 22a-454.

B. With the agreement of Respondent, the Commissioner, acting under Sections §22a-6, §22a-131, §22a-449 and §22a-454 of the Connecticut General Statutes, orders Respondent as follows:

1. Respondent shall maintain its compliance with all applicable provisions of the hazardous waste regulations and Connecticut statutes including Regulations of Connecticut State Agencies Section 22a-449(c)-11, Section 22a-449(c)-100, et. seq. and Connecticut General Statutes Section 22a-454, including but not limited to, those applicable to transporters of hazardous waste or Connecticut Regulated Waste.
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. WSWDH10069. This consent order supersedes Notice of Violation No. WSWDH10069 issued June 18, 2010.
4. Civil Penalty. Respondent shall pay a penalty of **seven thousand dollars (\$7,000)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations that are specified in paragraph A.3 of this consent order in accordance with the following schedule:
 - a. Respondent shall make **one (1) payment of one thousand dollars (\$1,000)** on or before fourteen (14) days after issuance of this consent order; and then
 - b. Respondent shall make **three (3) quarterly payments of two thousand dollars (\$2,000)** each due on March 1, 2011, June 1, 2011 and September 1, 2011.
5. Payment of penalties. Payment of penalties 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, Connecticut, 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, Waste Engineering and Enforcement Division civil penalty, Consent Order No. WSWDH10018". A copy of the check and any transmittal letter shall also be sent to Julie Dutton in the Bureau of Materials Management and Compliance Assurance at the same address.
6. 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.

7. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.
9. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in § 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statements 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."
10. 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.
11. 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.
12. 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 other person or municipality.

13. 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 Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
14. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
16. 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.
17. 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.
18. 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.
19. 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.

- 20. 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:

Mr. Kevin Clements, Sanitary Engineer 2
Department of Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
79 Elm Street
Hartford, CT 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.

Hamory Enterprises, Inc. d/b/a Antifreeze Technology Systems

BY: Nancy Hamory
(Individual with authority to bind Respondent to terms of consent order)

Name (Typed): Nancy Hamory

Title (Typed): President

Date: 11/29/10

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

Amey W. Marrella
Amey W. Marrella, Commissioner

December 16, 2010
Date

CONSENT ORDER # WSWDH10018