

**STATE OF CONNECTICUT**

**V.**

**SUPREME LAKE MANUFACTURING, INC.**

**CONSENT ORDER # COWSWDH 15004**

**Date Issued: May 19, 2015**

A. With the agreement of Supreme Lake Manufacturing, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. Respondent is a Connecticut corporation, which is or has been engaged in the business of manufacturing at 455 Atwater Street in Southington, 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 Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, on November 6 and 26, 2013, Respondent:

- a.(i) **Failed to perform hazardous waste determinations on all solid waste being generated at the facility as required by section 22a-449(c)-102(a)(2)(A) and (B) of the Regulations of Connecticut State Agencies ("RCSA"), incorporating Title 40 of the Code of Federal Regulations ("40 CFR") 262.11, with specified changes.** Specifically, Respondent has one vapor degreaser with an associated distillation unit which uses methylene chloride to degrease parts. A logbook kept at the vapor degreaser indicated that the contents of the distillation unit are removed and replaced with virgin solvent every three to five weeks generating between eighty (80) and one hundred forty (140) gallons of waste methylene chloride still-bottoms. The vapor degreaser is stationed over a concrete pit. Dirt and absorbents contaminated with over-spilled methylene chloride are manually cleaned out of the pit about once per year.

According to the Department's manifest database from January 1, 2000 through December 31, 2008, a Safety Kleen waste profile sheet entitled "Prequalification Evaluation" dated January 29, 2004, and files researched by Bob Breen, Respondent's ISO Manager, prior to 2009 the still-bottoms had been profiled and manifested as a RCRA-listed hazardous waste. Since 2009, when Respondent changed waste vendors from Safety Kleen to Philip Services Corporation ("PSC") and Northland Environmental, this waste has been profiled and shipped as non-hazardous. The most recent generator waste profile sheet prepared by PSC (i.e., September 27, 2012) classifies the still-bottoms as "CR04 non-RCRA hazardous waste" despite indicating that such waste contains 30% methylene chloride and 70% oil.

On November 20, 2013, June 26, 2013, March 14, 2013, December 18, 2012, September 25, 2012, February 27, 2012 and February 11, 2011, Respondent manifested the still-bottoms off-site as non-RCRA hazardous waste "CR04 toxic liquid, organic". However, on June 19, 2012, Respondent manifested the still-bottoms off-site as "D001, F002 waste flammable liquid". It appears that the still-bottoms from the vapor degreaser distillation unit should be managed as a RCRA-listed hazardous waste. Another generator waste profile sheet prepared by PSC dated February 21, 2012 for debris contaminated with methylene chloride from cleaning out the concrete pit classifies the waste material as "D008, F001 hazardous waste". On February 27, 2012, Respondent manifested off-site solid debris generated from cleaning out the concrete pit as "D008, F001 waste toxic solids, organic". This further supports the need to classify the waste methylene chloride still-bottoms as a RCRA-listed hazardous waste.

- a.(ii) Also, by failing to perform an initial hazardous waste determination, Respondent failed to perform the annual evaluations as required by section 22a-449(c)-102(a)(2)(A) of the RCSA, incorporating 40 CFR 262.11 with specified changes.
- b. Failed to properly prepare manifests for all shipments of hazardous waste as required by section 22a-449(c)-102(a)(1) of the RCSA, incorporating 40 CFR 262.20(a).
- c. Failed to prepare, utilize and retain a copy of land disposal restriction ("LDR") documentation as required by section 22a-449(c)-108(a)(1) of the RCSA, incorporating 40 CFR 268.7(a)(1) and (2). Specifically, Respondent has not determined whether the still-bottoms from the vapor degreaser have to be treated before being land disposed. If the still-bottoms do not meet the treatment standard, Respondent must send a one-time written notice with the initial shipment of such waste to each treatment, storage or disposal facility receiving the waste, and place a copy in the file.
- d. Failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes, which requires compliance with 40 CFR 265.35. Specifically, the 55-gallon waste containers were tightly packed inside a concrete vault having three to four foot high walls without any aisle space.
- e. Failed to provide a containment system which allows the owner or operator to determine the condition of containers as required by section 22a-449(c)-102(a)(2)(E) of the RCSA, incorporating 40 CFR 262.34(a)(1)(i) which requires compliance with 40 CFR 265.171. Specifically, due to the configuration of the waste containers within the concrete vault, the WEED inspector was not able to determine the condition of each waste container.
- f. Failed to clearly mark each container of hazardous waste and have visible for inspection the date upon which each period of accumulation began as required by section 22a-449(c)-102(a)(1) of the RCSA, incorporating 40 CFR 262.34(a)(2). Specifically, due to the configuration of the waste containers within the concrete vault, the WEED inspector was not able to determine the date upon which each period of accumulation began for each waste container.
- g. Failed to clearly mark each container of hazardous waste with the words "Hazardous Waste" and other words that identify the contents as required by section 22a-449(c)-102(a)(2)(J) of the RCSA, incorporating 40 CFR 262.34(a)(3) with specified changes. Specifically, due to the configuration of the waste containers within the concrete vault, the WEED inspector was not able to determine whether each waste container was clearly marked.

- h. Failed to mark all satellite accumulation containers with the words "Hazardous Waste" and other words that identify the contents of each container, such as the chemical name, as required by section 22a-449(c)-102(a)(2)(N) of the RCSA, incorporating 40 CFR 262.34(c)(1)(ii) with specified changes. Specifically, at the time of the WEED inspection there was a closed 55-gallon satellite accumulation container located near the vapor degreaser. According to the site contacts, the drum contained methylene chloride-contaminated solids generated from cleaning out the concrete pit under the vapor degreaser. However, the drum was not marked with the words "Hazardous Waste" and a description of the contents.
- i. Failed to review and immediately amend the contingency plan when the list of emergency coordinators changed as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.54(d). Specifically, the most recent contingency plan (i.e., August 1998) lists David Cano as the primary emergency coordinator and Raffaele Tancredi as the alternate emergency coordinator. However, Mr. Cano and Mr. Tancredi left the company in 2012 and 2011, respectively. The company contacts stated that Dean Voisine has been serving as the sole emergency coordinator since Mr. Cano left. This is not reflected in the contingency plan.
- j. Failed to designate an alternate emergency coordinator as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.55. Specifically, an alternate emergency coordinator has not been assigned.
- k. Failed to submit copies of an updated contingency plan to local authorities (police, fire, hospital, and emergency response teams) as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.53(b). Specifically, the most recent contingency plan written by HRP Associates in August of 1998 is outdated.
- l. Failed to provide initial hazardous waste training for the alternate emergency coordinator and other personnel of the site that have hazardous waste management responsibilities as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.16(a). Specifically, an alternate emergency coordinator needs to be designated and trained. Second, Fred Jacovine performs the in-house RCRA inspections. However, this informal training has been provided by Mr. Voisine according to the site contacts. Third, several employees that work with or around the vapor degreaser are provided annual training in accordance with the Department's Title V requirements. The training is based on a manual for operating the vapor degreaser entitled "Work Practices for Operation of Methylene Chloride Degreasing Operations". It is unclear whether this training meets RCRA training requirements.
- m. Failed to provide an annual update of hazardous waste training as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.16(c). Specifically, Mr. Voisine has not received RCRA training since April 2007.
- n. Failed to maintain training records as required by section 22a-449(c)-102(a)(2)(K) of the RCSA incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.16(d)(4) and (e). Specifically, the most recent documented RCRA training was provided on April 11, 2007 to Mr. Voisine. There is no documented training for Mr. Jacovine or the employees that work with or around the vapor degreaser.
- o. Failed to determine the total halogen content of used oil shipped off-site as required by section 22a-449(c)-119(b)(1) of the RCSA. Specifically, no records indicating the total halogen content of the used oil were available at the time of the inspection.

- p. Failed to demonstrate the length of time that universal waste lamps had been accumulated as required by section 22a-449(c)-113(a)(2)(J) of the RCSA incorporating 40 CFR 273.15(c). Specifically, Respondent last shipped universal waste (i.e., 143 linear feet of used lamps and 347 pounds of used electronics) to We Recycle on May 2, 2011. Since that time the company has generated twenty-eight used lamps that are stored in a box on-site. However, the box of used lamps was not dated.
4. By virtue of the above, Respondent has violated RCSA sections 22a-449(c)-100 through 119, incorporating 40 CFR Parts 260 through 279.
  5. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraphs A.1. to A.2. inclusive.
  6. On February 24, 2014, DEEP issued Notice of Violation No. WSWDH14009 (the "NOV") to Respondent requiring correction of the violations listed in paragraphs A.3.a. through A.3.p. of this consent order.
  7. Based on correspondence and supporting documentation Respondent submitted to DEEP in response to the NOV on April 3, 2014, July 16, 2014, July 22, 2014, July 23, 2014, November 25, 2014, November 26, 2014, December 2, 2014, December 4, 2014, December 5, 2014, December 9, 2014, and December 15, 2014, Respondent has corrected the violations cited in paragraphs A.3.a.(i) and (ii), A.3.d. through A.3.n., and A.3.p. of this consent order.
- B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, 22a-131, and 22a-449 of the Connecticut General Statutes, orders Respondent as follows:
1. Compliance. Respondent shall correct all violations identified in paragraph A.3. above and shall maintain its compliance with all applicable provisions of Connecticut's hazardous waste management regulations, RCSA sections 22a-449(c)-100 through 119, 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 the date of issuance of this consent order, Respondent shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such 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 other than the one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to prepare the documents and implement or oversee the actions required to achieve compliance with this consent order shall be a qualified professional engineer licensed to practice in Connecticut or Certified Hazardous Materials Manager ("CHMM") with qualifications acceptable to the Commissioner. 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 the date of issuance of this consent order, Respondent shall perform all actions which it failed to perform as specified in subparagraphs A.3.b., A.3.c., and A.3.o. of this consent order and submit for the review and written approval of the Commissioner the details of all such corrective actions, and supporting documentation demonstrating that the violations have been corrected.

- c. On or before **ninety (90) days** after issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval a comprehensive plan which details the actions and/or operational changes it has undertaken or will undertake to ensure future compliance with the Connecticut hazardous waste management regulations including, but not limited to, those set forth in paragraph A.3. of this consent order. The plan shall address, among other things, hazardous waste determinations, waste accumulation, inspection procedures, recordkeeping and reporting, training, emergency planning procedures, container management, manifesting, and transportation. Within **five (5) days** after the Commissioner approves such plan, Respondent shall carry out the plan and maintain it in full effect thereafter.
  - d. Respondent shall conduct a comprehensive recycling review of the facility to evaluate compliance with Connecticut's recycling laws set forth in section 22a-241b(d) of the CGS and section 241b-2(1) of the RCSA. On or before **ninety (90) days** after the date of issuance of this consent order, Respondent shall submit for the review and written approval of the Commissioner a business recycling profile documenting the management of recyclable materials. An example profile is included as Attachment A to this consent order.
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. WSWDH14009. This consent order supersedes Notice of Violation No. WSWDH14009.
4. Civil penalty for violations. Respondent shall pay a civil penalty of **twenty thousand dollars (\$20,000)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.3. of this consent order. Payment shall be made in **four (4) equal installments of five thousand dollars (\$5,000)** in accordance with the provisions of paragraph B.6., according to the following schedule:
  - a. The first installment of **five thousand dollars (\$5,000)** shall be due and payable on or before **fourteen (14) days** after the date of issuance of this consent order.
  - b. The second installment of **five thousand dollars (\$5,000)** shall be due and payable on or before **one hundred and four (104) days** after the date of issuance of this consent order.
  - c. The third installment of **five thousand dollars (\$5,000)** shall be due and payable on or before **one hundred and ninety four (194) days** after the date of issuance of this consent order.
  - d. The fourth installment of **five thousand dollars (\$5,000)** shall be due and payable on or before **two hundred and eighty four (284) days** after the date of issuance of this consent order.
5. Supplemental Environmental Projects. In lieu of making the third and fourth civil penalty payment installments prescribed in paragraph B.4. above, Respondent may comply with the requirements of either paragraphs B.5.a. or B.5.b. below regarding supplemental environmental projects ("SEP").

## a. Payment to the Statewide SEP Account.

- (1) Respondent shall pay **ten thousand dollars (\$10,000)** to the Statewide SEP Account. Payment shall be made in two (2) installments.
  - i. The first installment of the SEP payment in the amount of **five thousand dollars (\$5,000)** shall be due and payable on or before **one hundred and ninety four (194) days** after the date of issuance of this consent order.
  - ii. The second installment of the SEP payment in the amount of **five thousand dollars (\$5,000)** shall be due and payable on or before **two hundred and eighty four (284) days** after the date of issuance of this consent order.
- (2) The payments 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 "Connecticut Department of Energy and Environmental Protection." The check shall state in the memo notation, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division civil penalty" and the consent order number identified at the top of page one of this consent order. Copies of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, at the same address.

## b. Performance of SEP(s)

- (1) On or before **forty-five (45) days** after the date of issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval a proposal to perform one or more SEPs ("proposal"), according to the Department's February 15, 1996 "Policy on Supplemental Environmental Projects". The proposal shall include:
  - i. a detailed description of each SEP,
  - ii. itemized costs to be incurred by Respondent in carrying out each SEP,
  - iii. documentation to support such cost estimates,
  - iv. an explanation as to why each SEP is being proposed,
  - v. a proposed schedule (of not more than 180 days) for implementation and completion of each SEP, and
  - vi. a description of the benefit of each SEP to the general public or the environment.

Respondent shall be credited up to **ten thousand dollars (\$10,000)** to partially fund any SEP(s).

## (2) The Commissioner will either:

- i. approve the proposal, including in such approval the dollar amount of the penalty offset to be realized by Respondent attributable to the SEP(s) and any additional conditions deemed necessary by the Commissioner; or
- ii. disapprove the proposal and notify Respondent, in writing, of deficiencies in the proposal and any additional actions or information required to be taken or supplied by Respondent.

The decision to approve or disapprove an SEP shall be in the sole discretion of the Commissioner.

- (3) If the dollar amount of the penalty offset attributable to the approved SEP(s) is less than **ten thousand dollars (\$10,000)**, Respondent shall pay the difference in accordance with a revised schedule established by the Commissioner.
- (4) Respondent shall not be given any credit, or reduction in the civil penalty provided for by this paragraph if an SEP included in an approved proposal is not fully complied with. If Respondent fails to fully perform any SEP in accordance with the proposal approved pursuant to paragraph B.5.b.(2).i., Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment equal to the total estimated cost, as determined by the Commissioner, of all such SEP(s), plus either two thousand five hundred dollars (\$2,500) or 10% of such total estimated cost, whichever is greater. Respondent shall make such payment in accordance with the remittance procedures for unexpended SEP funds in subparagraph B.5.b.(10). of this consent order.
- (5) The net present after-tax value of the SEP(s) shall be equivalent to the sum(s) identified in this paragraph or Respondent shall submit certified documentation that no tax credits shall be obtained as a result of the SEP(s) performed under this paragraph.
- (6) If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding an SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
- (7) Respondent shall not claim or represent that any SEP payment made pursuant to this consent order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
- (8) On or before **thirty (30) days** after completion of each SEP, Respondent shall submit for the Commissioner's review and written approval a comprehensive final report that certifies completion of each SEP. Such final report shall include, at a minimum:
  - i. a narrative history of the project,
  - ii. detailed explanation of its design and implementation,
  - iii. summary of any data collected,
  - iv. complete final accounting of actual project costs including receipts for out-of-pocket costs, and
  - v. a discussion of environmental benefits resulting from each SEP.
- (9) Should the Commissioner determine that the actual cost to Respondent in completing an SEP is less than the estimated cost identified in the proposal approved by the Commissioner in accordance with paragraph B.5.b.(2).i, Respondent shall pay the difference between such actual cost and estimated cost to the Commissioner as unexpended SEP funds. The Commissioner shall notify Respondent in writing of the amount of any such unexpended SEP funds which are due.

(10) Respondent shall, within fourteen (14) days after the date of such written notice, remit the full amount of the unexpended SEP funds. Payment of unexpended SEP funds shall be by certified or bank check payable to "Connecticut Department of Energy and Environmental Protection." The check shall state in the memo notation, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division civil penalty" and the consent order number identified at the top of page one of this consent order. Any payment shall be made in accordance with paragraph B.5.a.2. of this consent order.

6. Payment of penalties. Payment of penalties under paragraph B.4. of 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 "Connecticut Department of Energy and Environmental Protection." The check shall state in the memo notation, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division civil penalty" and the consent order number identified at the top of page one of this consent order. Copies of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, at the same address.
7. Sampling and sample analyses. All sample analyses which are required by this consent order shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such analyses. All sampling and sample analyses performed under this consent 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 EPA document SW-846. 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.
8. 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 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.
9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
10. 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.



11. 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 §53a-157b of the Connecticut General Statutes and any other applicable law."
12. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
13. 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.
14. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
15. 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.
16. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
17. 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.
18. Access to site. Any representative of the Department of Energy and 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.
19. 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.
20. 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.

21. 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.
22. 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:


Ms. Michele DiNoia  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Waste Engineering and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

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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."

Supreme Lake Manufacturing, Inc.

BY:

  
(Signature of the individual with authority to bind Respondent to terms of consent order)

GARY ROBINSON  
Name (typed)

Pres  
Title

4/27/15  
Date

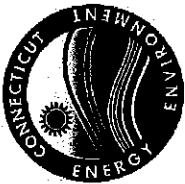
Issued as a final order of the Commissioner of Energy and Environmental Protection.

  
Robert J. Klee  
Commissioner

5/18/15  
Date

Consent Order No. COWSWDH 15004

Attachment A – Example Business Recycling Profile



Connecticut Department of  
Energy & Environmental Protection

# Business Recycling Profile

In Connecticut, recycling is mandatory. Connecticut General Statutes and the Regulations of Connecticut State Agencies require designated items to be recycled by **everyone**. Every resident, business, government facility, school, college, hospital, institution, etc. is required by law to recycle glass & metal food and beverage containers, plastic containers #1 and #2\*, boxboard\*, corrugated cardboard, magazines\*, newspaper, white office paper, colored office paper\*, scrap metal, Ni-Cd rechargeable batteries, used crankcase oil, lead acid batteries, leaves and grass clippings.

Recycling these items is a critical action we can all take to move the State towards achieving our recycling rate of 58% by 2024 as stated in the amended December 2006 CT State Solid Waste Management Plan. Complying with the state recycling laws has tremendous environmental benefits such as conserving natural resources, reducing pollutants emitted to our air and water, conserving energy, reducing greenhouse gas emissions, and eliminating the need for new solid waste disposal facilities.

This form is a guidance document to help businesses better manage their recycling program and increase recovery efforts. This form does not need to be submitted to the Connecticut Department of Energy and Environmental Protection (DEEP) unless it is requested, in response to an inspection and/or an enforcement action. For more recycling resources please visit our [Business Recycling Resources webpage](#).

## Part I: Company Information

1. Company Name:

Mailing Address:

2. Recycling Contact:

Phone(s):

3. Additional Contact:

Phone(s):

City/Town:

State:

Zip Code:

Title:

Email:

Title:

Email:

## Part II: Facility/Operations

1. Type of business:

2. Number of buildings:

3. Total square footage of building(s)

4. Acreage of lawn area::

5. Number of employees:

\*Materials will be designated recyclables in 2012.

## Part II: Facility/Operations (continued)

6. Current solid waste/recycling hauler(s):

Name:

Phone:

Name:

Phone:

Name:

Phone:

☐ Check here if additional sheets are necessary, and label and attach them to this sheet.

7. Building Owner:

Mailing Address:

City/Town:

State:

Zip Code:

Phone:

Email:

### All Businesses Are Required to Recycle:

- **High Grade White Office Paper:** White copy paper, computer paper, office stationery, memo paper, etc.
- **High Grade Colored Office Paper\*:** Colored ledger or copy paper
- **Old Corrugated Cardboard:** Old or discarded corrugated boxes – *Not waxed*
- **Boxboard\*:** Including cereal boxes, tissue boxes, or chip board
- **Old Newspaper:** Used or discarded newspapers
- **Magazines\***
- **Plastic containers #1 (PET) and #2 (HDPE)\*:** Bottles and containers
- **Glass & Metal Food and Beverage Containers** (including 5¢ deposit containers)

- **Leaves:** Foliage which has fallen from trees must be recycled
- **Grass Clippings:** Best practice is to recycle grass by leaving grass clippings on the lawn.
- **Used Crankcase Oil:** Used crankcase oil from internal combustion engines
- **Lead Acid Storage Batteries:** Used batteries from cars, airplanes, boats, tractors, etc.
- **Scrap Metal:** Used or discarded items which consist predominantly of metals such as iron, aluminum, brass, copper, lead, chromium, tin, nickel, etc. or alloys of these metals, including but not limited to appliances.
- **Rechargeable Batteries:** Nickel-cadmium (NiCd) rechargeable batteries, both those contained within appliances and those sold individually are required to be recycled after they no longer are usable.

In addition to the state mandated recyclables listed above, check your local ordinances to learn about additional materials your business may be required to recycle.  
**58% by 2024**

\*Materials will be designated recyclables in 2012.

### Part III: Company's Current Recycling & Recovery Efforts

Please use the table below to describe your company's current recycling program. Attachments of photos or other documents are also accepted if you are requested to submit this form.

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you do not have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
<b>EXAMPLE:</b> OFFICE PAPER (White and other paper combined)	One 40-gallon wheeled cart/week	Everyone collects at their desk, brought to central location (large wheeled cart near elevators). Janitor brings to loading dock when it is full (about once a week)	Our current trash hauler, (NAME) empties our paper recycling wheeled cart 2x/month (we call them as-needed) and material is taken to a permitted recycling facility (PERMITTEE NAME) in (TOWN).
Office paper (white paper)**			
Office paper (colored paper)**			
Newspaper**			
Other paper or mixed paper (please list types here)			

\*\* Mandatory item that everyone is required to recycle in Connecticut.

**Part III: Company's Current Recycling & Recovery Efforts (continued)**

RECYCLABLE MATERIAL	AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH  (If you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
<b>EXAMPLE:</b> Old Corrugated Cardboard	We have a 4-yard dumpster behind our main warehouse. It's picked up twice a week.	Warehouse staff collect and flatten boxes as we go along. A small pile is created during a shift (we have 3 shifts/day). At the end of the shift an employee removes the small pile and brings to dumpster outside.	Our current trash hauler, (NAME) empties cardboard dumpster on Mondays and brings it to a properly permitted facility (PERMITTEE NAME) in (TOWN) for recycling.
Corrugated cardboard**			
Boxboard**			
Magazines**			
Food and beverage containers (check all those collected for recycling) <input type="checkbox"/> Glass** <input type="checkbox"/> Metal** <input type="checkbox"/> Plastic 1&2** <input type="checkbox"/> Paper carton or (juice-type) box			
Other			

\*\* Mandatory item that everyone is required to recycle in Connecticut

**Part III: Company's Current Recycling & Recovery Efforts (continued)**

<b>RECYCLABLE MATERIAL</b>	<b>AVG WEIGHT (indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)</b>	<b>HOW &amp; WHERE MATERIAL IS COLLECTED</b>	<b>WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING</b>
<i>EXAMPLE: Printer Toner cartridges</i>	<i>We have 8 printers in our offices and generally replace/recycle 1/month</i>	<i>Office manager returns all toner cartridges to Office Supply Store for a credit towards future office supplies</i>	<i>Use mailer envelopes that come with new toner. We mail them back to Office supply store (or they pick up with new deliveries).</i>
<b>Lead Acid Storage Batteries (car, truck, boat)**</b>			
<b>Rechargeable Batteries**</b>			
<b>Used Crankcase Oil**</b>			
<b>Scrap Metal**</b>			

\*\* Mandatory item that everyone is required to recycle in Connecticut



Part III: Company's Current Recycling & Recovery Efforts (continued)

MATERIAL	AVG WEIGHT (Indicate tons or pounds) COLLECTED FOR RECYCLING EACH MONTH (if you don't have weight data enter the number and size of containers and collection frequency)	HOW & WHERE MATERIAL IS COLLECTED	WHO PICKS-UP MATERIAL AND WHERE IS THE MATERIAL TAKEN FOR RECYCLING
EXAMPLE: Leaves and other yard debris	N/A	Our landscape company (NAME, TOWN) mows our lawns and maintains our entry garden. They remove all the materials (although grass clippings are left on the lawn).	Our landscape company (NAME) takes them away to a properly permitted recycling facility. (PERMITTEE NAME, LOCATION)
Leaves**			
Grass clippings**			
Brush, stumps and other yard debris			
Food waste			
Other			
Other			

\*\* Mandatory item that everyone is required to recycle in Connecticut

# Part IV: Company's Current Waste Reduction, Reuse And Other Recovery Programs

WASTE REDUCTION, REUSE AND OTHER RECOVERY PROGRAMS	PROJECT DESCRIPTION
EXAMPLE: Waste Reduction	Our cafeteria recently began using reusable trays and washing them instead of using Styrofoam trays which we were throwing away. We have also instituted a reusable mug program (providing a free mug to employees) to try and reduce the amount of coffee cup waste.
Waste Reduction	
Waste Reduction	
Other	
EXAMPLE: ReUse	Our company generates approximately 10 used Gaylord containers /week that we donate to Foodshare for their produce distribution program. We also donate over-stock and discontinued building supplies to the ReCONNstruction Center in New Britain.
ReUse	
ReUse	
Other	
Other	

## Part V: Recycling & Recovery Programs Planned

Please use the table below to describe future recycling efforts and how compliance with the mandatory items, if not already recovered for recycling, will be achieved.

IDEA/ MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
EXAMPLE: Food and Beverage containers (glass, metal and plastic)	25 gallons/month	Will place barrel in break room; janitorial staff will empty and remove materials to a larger container on our loading dock.	There are a lot of 55-gallon deposit containers. We're looking into having a local non-profit organization collect them for free and redeem the deposits.	We will start this program by August 8, 2008 (2 weeks from now).
EXAMPLE: 55 gallon drums	10/week	We generate 55 gallon drums, which contained non-hazardous substances. We stockpile them outside the plant until we have 50 drums.	Working with XYZ, a company that reconditions the drums. We've found this to be more cost effective than recycling them at this time.	We've already started collecting and expect our first pick-up to be next week (June 5, 2008)

**Part V: Recycling & Recovery Programs Planned (continued)**

IDEA / MATERIAL	ESTIMATED GENERATION RATE	HOW AND WHERE WILL THE MATERIAL BE COLLECTED?	WHO WILL PICK-UP THIS MATERIAL? FINAL/END MARKET?	WHEN WILL PROGRAM BE IMPLEMENTED?
EXAMPLE: 5 gallon buckets	15-30 buckets/month	We generate buckets (contained non-hazardous substances) and cannot use them. Will rinse and stack (with lids) off to side of loading dock.	We're trying to secure a connection with a local reuse center or distribute via materials exchange program.	We hope to start this program by the end of August 2008.

**Reminder: This form is only required to be submitted when requested by DEEP.**

**When requested by DEEP**, please include photos of your recycling bins and containers and any copies of recycling/waste contract. If you have additional pages or items to help explain/show successes in your waste recycling/recovery efforts, please attach those as well including brochures, flyers, employee educational materials, etc.

**When requested by DEEP**, please submit the completed form and all Supporting Documents to:

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
BUREAU OF MATERIALS MANAGEMENT & COMPLIANCE ASSURANCE  
WASTE ENGINEERING AND ENFORCEMENT DIVISION  
79 ELM STREET, 4<sup>TH</sup> FLOOR  
HARTFORD, CT 06106-5127

PHONE: (860) 424-3365