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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

V.

BUDDERFLY, INC.

CONSENT ORDER No. COWSWDH21002

Date Issued: March 29, 2021

A. With the agreement of Budderfly, Inc. (Respondent), the Commissioner of Energy and Environmental Protection (the Commissioner) finds:

1. Respondent is a Connecticut Corporation registered to do business with the Connecticut's Secretary of State with a business and mailing address of 2 Trap Falls Road, Suite 500, Shelton, Connecticut. Budderfly, Inc. has stored and is storing waste in a warehouse located at 354 North Street, Milford, Connecticut (Site). The waste includes, but is not necessarily limited to, waste mercury-containing and other lamps, broken mercury-containing and other lamps, waste ballasts, and scrap metal.
2. Generators have the option to manage certain categories of hazardous waste commonly generated by a wide variety of establishments under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies (RCSA), incorporating 40 CFR 273 with specified changes. Such streamlined regulations are known as universal waste regulations. Universal wastes that are not managed in compliance with the requirements of section 22a-449(c)-113 of the RCSA are required to be managed in compliance with sections 22a-449(c)-100 to 110, inclusive, of the RCSA, incorporating 40 CFR parts 260 through 270, inclusive, with specified changes.
3. Respondent is a generator or has been a generator of RCRA hazardous waste at the Site.
4. Respondent is operating or has operated a RCRA storage facility without a permit from the Commissioner at the Site.
5. Based on an inspection conducted by the Department of Energy and Environmental Protection (DEEP and/or Department), Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division (WEED), on October 16 and 17, 2019, Respondent:

- a. Failed to send written notification of universal waste management to the Commissioner and receive an EPA Identification Number before meeting or exceeding the 5,000 kilogram storage limit as required by section 22a-449(c)-113(a)(2)(N), (O) and (P) of the Regulations of Connecticut State Agencies (RCSA), incorporating Title 40 of the Code of Federal Regulations (40 CFR) 273.32 with specified changes.
- b. Failed to manage waste lamps in a way that prevents the release of any waste lamp or component of a waste lamp as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.33(d).
- c. Failed to contain each waste lamp in a container or package that is structurally sound, adequate to prevent breakage, and compatible with the contents of each waste lamp as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.33(d)(1).
- d. Failed to ensure that each container or package containing a waste lamp or waste lamps remain(s) closed and failed to ensure that such containers are capable of preventing leakage, spillage or damage as required by section 22a-449(c)-113(a)(2)(R) of the RCSA, incorporating 40 CFR 273.33(d)(1) with specified changes.
- e. Failed to immediately clean up and place in a container any waste lamp that is broken and failed to place in a container any waste lamp that shows evidence of breakage, leakage, or damage as required by section 22a-449(c)-113(a)(2)(S) of the RCSA, incorporating section 273.33(d)(2) with specified changes.
- f. Failed to ensure that containers or packages holding broken waste lamps or waste lamps that show evidence of breakage, leakage, or damage are closed, structurally sound, and compatible with the contents of the waste lamps as required by section 22a-449(c)-113(a)(2)(S) of the RCSA, incorporating 40 CFR 273.33(d)(2) with specified changes.
- g. Failed to label or mark clearly each waste lamp or a container or package in which waste lamps are contained with one of the following phrases: "Universal Waste – Lamp(s)", or "Waste Lamp(s)", or "Used Lamp(s)" as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.34(e).
- h. Failed to accumulate waste lamps for less than one year from the date the waste lamps were generated or received from another handler as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.15(a).
- i. Failed to demonstrate the length of time that each waste lamp had been accumulated from the date that it became a waste or was received as required by section 22a-449(c)-113(a)(2)(U) of the RCSA, incorporating 40 CFR 273.35(c) with specified changes.

- j. Failed to inform and/or train all employees who handle or have responsibility for managing waste lamps the proper handling and emergency procedures appropriate to the types(s) of universal waste handled at the facility as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.36.
- k. Failed to immediately contain all releases of waste lamps and other residues from waste lamps as required by section 22a-449(c)-113(a)(1) of the RCSA, incorporating 40 CFR 273.37(a).
- l. Failed to determine whether any material resulting from the breakage, leakage or damage of waste lamps and the residues from such waste lamps are hazardous waste, and if so, managing such hazardous waste in compliance with all applicable hazardous waste requirements as required by section 22a-449(c)-113(a)(2)(V) of the RCSA, incorporating 40 CFR 273.37(b) with specified changes.
- m. In accordance with section 22a-449(c)-113(a)(2)(C) of the RCSA, incorporating 40 CFR 273.1(b) with specified changes, as a generator of hazardous waste lamps you were/are required to comply with sections 22a-449(c)-100 through 110, inclusive, of the RCSA, incorporating 40 CFR parts 260 through 270, inclusive, with specified changes for the management of all hazardous waste lamps defined in sections 22a-449(c)-100(b)(2)(B), 22a-449(c)-100(c)(18), and 22a-449(c)-113(a)(2)(E) of the RCSA, incorporating 40 CFR 260.10 and 40 CFR 273.9 with specified changes, and likely materials resulting from the release of broken or damaged hazardous waste lamps and the residues from such broken or damaged hazardous waste lamps.
- n. Failed to obtain a permit from the Commissioner prior to storing hazardous waste at the facility for greater than 90 days as required by section 22a-449(c)-102(a)(2)(L) of the RCSA, incorporating 40 CFR 262.34(b) with specified changes.
- o. Failed to perform hazardous waste determinations as required by section 22a-449(c)-102(a)(2)(A) of the RCSA, incorporating 40 CFR 262.11 with specified changes.
- p. Failed to transfer hazardous waste to a container that is in good condition as required by section 22a-449(c)-102(a)(2)(E) of the RCSA, incorporating 40 CFR 262.34(a)(1)(i) with specified changes, which requires compliance with 40 CFR 265.171.
- q. Failed to ensure that hazardous waste containers remain closed except when adding or removing hazardous waste as required by section 22a-449(c)-102(a)(2)(E) of the RCSA, incorporating 40 CFR 262.34(a)(1)(i) with specified changes, which requires compliance with 40 CFR 265.173(a).

- r. 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).
- s. Failed to label each container of hazardous waste with the words "Hazardous Waste" and other words that identify the contents of each container as required by section 22a-449(c)- 102(a)(2)(J) of the RCSA, incorporating 40 CFR 262.34(a)(3) with specified changes.
- t. Failed to provide initial hazardous waste training and an annual update of hazardous waste training for the emergency coordinator, the alternate emergency coordinator, and other personnel who 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) with specified changes, which requires compliance with 40 CFR 265.16(a), (b), and (c).
- u. Failed to maintain and operate the facility so as to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents 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 265.31.
- v. Failed to maintain aisle space to facilitate the ability for personnel to completely inspect each hazardous waste container and allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency 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.
- w. Failed to develop a contingency plan and emergency procedures for the facility 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 subpart D.
- x. Failed to develop, follow, and maintain a written hazardous waste inspection program as required by section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15.
- y. Failed to maintain records of the job title, name(s) of the employee filling each job title, and written description of each job title 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 265.16(d).
- z. Failed to prepare and submit a biennial hazardous waste report by March 1, 2020 that covers generator activities for the previous year 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 22a-449(c)-102(a)(2)(AA) of the RCSA, incorporating 40 CFR 262.41(a) with specified changes.

6. By virtue of the above, Respondent has violated sections 22a-449(c)-100 through 119 and section 22a-449(c)-11 of the RCSA, incorporating 40 CFR Parts 260 through 279 and Chapter 446d of the Connecticut General Statutes (CGS) as referenced in Paragraph A.5.
7. On November 5, 2019, NLR, Inc. of East Windsor, Connecticut accepted from Respondent 10,827 lbs. of spent lamps for recycling. On November 22, 2019, NLR, Inc. accepted from Respondent an additional 2,744 lbs. of spent lamps for recycling.
8. On November 14, 2019, Respondent submitted to DEEP a letter summarizing certain corrective measures taken by Respondent along with a document entitled "Universal Waste Management Plan", a copy of an invoice to Respondent from NLR, Inc., and a copy of hazardous waste manifest number NHWM149902.
9. On February 3, 2020, DEEP issued Notice of Violation No. WSWDH20005 to Respondent.
10. On March 18, 2020, DEEP received a submittal in response to Notice of Violation No. WSWDH20005 in which the Respondent represented that all violations listed in said Notice of Violation were addressed. On April 16, 2020, DEEP issued a letter requesting additional information/documentation regarding Respondent's submittal in order to support the representation that violations A.5.a. through A.5.g. and A.5.i. through A.5.z. specifically had been corrected. Respondent submitted a response to DEEP's letter on July 6, 2020. DEEP issued a letter on October 15, 2020 requesting additional information in response to Respondent's submittal dated July 6, 2020.
11. On December 17, 2020, DEEP received recycling certificates from Respondent for universal waste collections by NLR Inc. from a period of January 3, 2020 through November 24, 2020. The certificates indicate that NLR, Inc. accepted from Respondent eight (8) pickups of universal waste lamps totaling 7,079 lbs.
12. In correspondences received February 2nd and 4th, 2021, Respondent represented that the violations corresponding to those listed in paragraph A.5. of this Consent Order have been resolved.
13. 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 those in paragraph A.1., A.2. and A.9. of this Consent Order.

B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, and 22a-449 of the CGS, orders Respondent as follows:

1. Compliance. Respondent shall maintain its compliance with all applicable provisions of Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 and section 22a-449(c)-11 of the RCSA including but not limited to those regulations applicable to generators of hazardous waste identified in paragraph A.5. above. In particular:
 - a. Retention of Consultant: The Respondent has identified: Mr. Jason Fernet PE, LEP; Mr. James Hiller, CIH; and Mr. John Zehren, all of SLR, as qualified consultants, who are acceptable to the Commissioner, to prepare the documents and oversee the actions required by this Consent Order. The Respondent shall retain Mr. Jason Fernet PE, LEP; Mr. James Hiller, CIH; and Mr. John Zehren, all of SLR, or a qualified environmental consultant acceptable by the Commissioner until this Consent Order is fully complied with. Within **ten (10) days** after retaining any qualified consultant(s) other than one originally identified and approved under this paragraph, the Respondent shall notify the Commissioner in writing of the identity of and receive written approval of such other qualified consultant(s) from the Commissioner. In order to seek approval of a qualified consultant(s), Respondent shall submit to the Commissioner a description of a qualified consultant(s) education, experience and training which is relevant to the work required by this Consent Order. One of the consultant(s) retained to prepare the documents and implement or oversee the actions required by this Consent Order must be an independent, registered professional engineer licensed to practice in the State of Connecticut ("P.E.") with at least five years' experience in Connecticut's Hazardous Waste Management Regulations sections 22a-449(c)-100 through 119 and section 22a-449(c)-11, and must provide professional services in accordance with Section 22a-133v- 1 through 8 of the RCSA (the Licensed Environmental Professional Regulations). 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 a complete response to DEEP's letter dated October 15, 2020.
 - c. On or before **one-hundred and twenty (120) days** after issuance of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a comprehensive future compliance 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.5. of this Consent Order. The plan shall address compliance with the regulations pursuant to a small quantity handler of universal waste and certain provisions applicable to a generator of hazardous waste including, but not necessarily limited to, the applicability of the universal waste regulations, prohibitions, notification requirements, container management, labeling/marking requirements, a template and procedures for maintaining a universal waste inventory system, inspections, aisle space, off-site shipments, manifesting, recordkeeping, prevention of universal waste breakage/releases, responses to universal waste breakage/releases, personnel training, and hazardous waste determinations. Within **ten (10) business days** after the Commissioner approves such plan, Respondent shall carry out the plan and maintain it in full effect thereafter. Within **thirty (30) days** after the Commissioner approves such plan, Respondent shall carry out the personnel training for the small quantity

handler of universal waste and shall confirm in writing to the Department that (1) such training has been completed and (2) its consultant identified pursuant to paragraph B.1.a. has inspected the facility for compliance with the small quantity handler of universal waste.

- d. On or before **one hundred twenty (120) days** after issuance of this Consent Order, Respondent shall submit for the review and approval of the Commissioner a comprehensive site characterization work plan to determine the possible extent and degree of mercury contamination at the Site. A consultant approved by the Commissioner pursuant to paragraph B.1.a. above shall prepare the work plan. The work plan for the characterization of mercury shall include, but not be limited to, the procedures for monitoring/analyzing the concentrations of mercury in the air; the specifications for the mercury air monitoring equipment; the procedures for determining the concentrations of mercury on non-porous surfaces; the procedures for determining the concentrations of mercury in wood and concrete; the number of samples to be collected for the analysis of mercury; the locations of where samples will be collected including a site diagram; the depths of samples; the sampling methods that will be utilized; the sample containers and preservation techniques that will be utilized; the name of the laboratory that will be contracted to perform the required analyses; the analytical methods to be used by the laboratory; the chain of custody techniques that will be utilized; and the names and qualifications of the individuals that will be performing the sampling. The sampling locations should consider fate and transport and migration pathways and be biased towards locations where broken bulbs were removed, and at cracks and joints in the floor. The consultant shall use as guidance for the site characterization work plan the Draft RCRA Closure Plan Guidance for Treatment, Storage, and Disposal Facilities Container Storage Areas and Tank Systems, and the Connecticut Remediation Standard Regulations.
- e. On or before **ninety (90) days** after approval of the comprehensive site characterization work plan required pursuant to paragraph B.1.d. above, the Respondent shall implement such work plan and submit a report for the review and approval of the Commissioner. A consultant approved by the Commissioner pursuant to paragraph B.1.a. above shall prepare the report. The report shall include, but not be limited to, the results of the site characterization for mercury contamination including a discussion of the work performed, an assessment of the analytical results, tables summarizing the analytical results, recommendations for remediation of the Site, procedures for implementation of all remediation activities, a schedule for all remediation activities, and the analytical reports from the contract laboratory.
- f. On or before **one hundred and eighty (180) days** after approval of the report required pursuant to paragraph B.1.e. above, the Respondent and their consultant shall certify to the Commissioner in writing that all remediation activities have been completed as approved except, if applicable, any post remediation monitoring requirements.

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. WSWDH20005. This Consent Order supersedes Notice of Violation No. WSWDH20005.
4. Civil penalty for violations. Respondent shall pay a civil penalty of ninety-five thousand dollars (**\$95,000**) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.5. and A.6. of this Consent Order. Payment shall be made in three (3) equal installments in accordance with the provisions of paragraph B.5., according to the following schedule:
 - a. The first installment of thirty-one thousand six hundred and fifty dollars (**\$31,650**) shall be due and payable on or before **ninety (90) days** after the date of issuance of this Consent Order.
 - b. The second installment of thirty-one thousand six hundred and fifty dollars (**\$31,650**) shall be due and payable on or before **one hundred eighty (180) days** after the date of issuance of this Consent Order.
 - c. The third installment of thirty-one thousand seven hundred dollars (**\$31,700**) shall be due and payable on or before **two hundred seventy (270) days** after the date of issuance of this Consent Order.
5. 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.
6. Supplemental Environmental Project.
 - a. In addition to the penalty referenced in paragraph B.4, Respondent has agreed to fund a supplemental environmental project ("SEP") or projects as selected by the Department according to its February 15, 1996 "Policy on Supplemental Environmental Projects." Therefore, on or before **fourteen (14) days** after the date of issuance of this Consent Order, Respondent shall pay forty thousand dollars (**\$40,000**) to the Statewide SEP Account. The payment 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, Connecticut 06106-5127, and shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection," with notation thereon "Statewide SEP Account" and the Consent Order number assigned on the first

page"

- b. If Respondent fails to fund the SEP in accordance with paragraph 6.a. above, Respondent shall immediately pay a civil penalty of forty thousand dollars (**\$40,000**). Respondent shall pay such civil penalty in accordance with the provisions of paragraph B.5. of this Consent Order.
- c. 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.
- d. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
7. Sampling and sample analyses. All sampling and sample analyses which are required by this Consent Order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such sampling and 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 **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.
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 §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

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 may be punishable as a criminal offense under §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 **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.
15. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties pursuant to this Consent Order, 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 not otherwise addressed by this Consent Order. 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 or prevent or abate pollution.
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.

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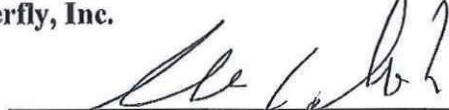
22. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in this Consent Order or in writing by the Commissioner, be directed to:

Ms. Katie Faust
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

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.

Budderfly, Inc.

BY:



(Signature of the individual with authority to bind Respondent to terms of Consent Order)

Al Subbloe
Name (typed)

Chief Executive Officer
Title

March 10, 2021

Date

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

Betsey Wingfield
Betsey Wingfield
Deputy Commissioner

March 29, 2021
Date