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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

V.

CONSOLIDATED INDUSTRIES ACQUISITION CORPORATION**CONSENT ORDER NO. WSWDH21005****DATE ISSUED:** 11/19/2021

A. With the agreement of Consolidated Industries Acquisition Corporation ("Respondent"), the Commissioner of Energy and Environmental Protection (the "Commissioner") finds:

1. Respondent is a Wyoming corporation registered to do business in Connecticut with the Connecticut Secretary of the State.
2. Respondent's registered business address listed with the Connecticut Secretary of the State is 677 Mixville Road, Cheshire, Connecticut, 06410.
3. Respondent is or has engaged in the business of commercially forging and machining parts for the aerospace industry using ferrous, nonferrous, and exotic metals at 677 Mixville Road, Cheshire, Connecticut and more fully described as Assessor's Map Block Lot No. 34 89 on the land records of the Town of Cheshire, Connecticut. The property will hereinafter be referred to as the "Site".
4. The Respondent is or has been a generator of hazardous waste at the Site and has been issued EPA Identification No. CTD058864125 by the US Environmental Protection Agency.
5. Staff from the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division ("WEED") reviewed a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Questionnaire completed, signed, and certified by Respondent on February 12, 2021. Based on that review, WEED staff found that Respondent had failed to:
 - a. **Perform a hazardous waste determination for each solid waste generated at the Site, in violation of Section 22a-449(c)-102(a)(2) of the Regulations of Connecticut State Agencies ("RCSA"), incorporating by reference Title 40 of the Code of Federal Regulations ("CFR") 262.11, with specified changes.** More specifically, WEED found that at the time of the records review the facility operating record did not have adequate documentation supporting the waste determinations that had been made for the following waste streams generated at the Site:

Filter Cake - The filter cake identified in the Questionnaire as a sludge generated from the use of the on-site wastewater treatment system ("WWTS"). The WWTS treats rinse waters resulting from the chemical etching and milling of stainless steel, titanium, and/or magnesium. Sludges generated from the wastewater treatment of these rinse waters are listed hazardous waste. More specifically, this waste stream is classified as EPA Hazardous Waste No. F006. Reference 40 CFR, Section 261.31.

Wastewater Treatment Tank Clean Out Waste - The wastewater treatment system tank cleanout waste identified in the Questionnaire is a sludge generated from the use of the on-site WWTS. As stated previously, such sludge is a listed hazardous waste classified as EPA Hazardous Waste No. F006.

Oily Debris/Rags - The Waste Profile for the Oily Rags/Debris waste stream identified in the Questionnaire does not mention the inclusion of magnesium chips and dust, which were found to be comingled in this waste stream. Magnesium chips and/or dust could exhibit the hazardous waste characteristic of ignitability and/or reactivity. Reference 40 CFR Sections 261.21 and 261.23.

- b. **Include in the facility Contingency Plan, all actions necessary to respond to fires, explosions, and releases at the facility, in violation of Section 22a-449(c)-102(a)(K) of the RCSA, incorporating by reference 40 CFR 265.52(a).** More specifically, WEED staff found that the Contingency Plan reviewed did not include the following: 1) What constitutes a “small spill”; 2) Specific procedures for responding to acid and/or caustic spills; and 3) Specific procedures for responding to a magnesium fire.
 - c. **Include in the facility Contingency Plan, a list of all necessary emergency equipment and a description of the capabilities of such equipment, in violation of Section 22a-449(c)-102(a)(K) of the RCSA, incorporating by reference 40 CFR 265.52(e).** More specifically, WEED staff found that the Contingency Plan reviewed included inconsistent lists of emergency equipment used at the Site. In addition, a description of the capabilities for such equipment were not included for many of the items identified in the facility Contingency Plan.
 - d. **Train facility personnel and/or maintain records of training relevant to hazardous waste management at the facility, in violation of Section 22a-449(c)-102(a)(K) of the RCSA, incorporating by reference 40 CFR 265.16.** More specifically, WEED staff found that annual personnel training had not been conducted for calendar years 2019 and 2020. In addition, due to the lack of adequate documentation maintained at the Site, annual personnel training appears to not have been conducted for calendar years 2016 through 2018, as well.
 - e. **Include all required information on inspection logs, in violation of Section 22a-449(c)-102(b)(2) of the RCSA, incorporating by reference 40 CFR 265.15.** More specifically, WEED staff found that the logs used for documenting inspections performed on March 3, 2020 and August 7, 2020 did not include the time of inspection. In addition, the log for the inspection conducted on June 12, 2020 did not include corrective measures for container labeling and aisle space violations found during the inspection.
 - f. **Ensure hazardous waste subject to the Land Disposal Restriction (“LDR”) requirements meet the applicable treatment standards prior to being land disposed, in violation of Section 22a-449(c)-102(a)(K) of the RCSA, incorporating by reference 40 CFR 268.40.** More specifically, WEED staff found that the filter cake waste stream identified in violation no. 1 above had been managed at the Site as a non-hazardous waste when it should have been managed as a hazardous waste (EPA Waste No. F006). This waste had historically been shipped off-site and land disposed as a non-hazardous waste in a solid waste landfill located in New Hampshire. Appropriate analysis had not been performed to verify that the waste met the appropriate LDR treatment standards prior to such land disposal.
6. By virtue of the above, the Respondent has violated Section 22a-449(c)-100, et. seq. of the RCSA incorporating by reference 40 CFR Parts 260 through 279.

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7. On May 28, 2021, WEED issued Notice of Violation No. WSWDH21012 to the Respondent to correct the violations corresponding to those cited in subparagraphs A.5.a., through A.5.f., of this consent order.
 8. On June 28, 2021, WEED received a Compliance Statement in response to Notice of Violation No. WSWDH21012 in which the Respondent addresses the violations identified in paragraphs A.5.a. through A.5.f. above.
 9. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to matters addressed herein other than the facts asserted in paragraphs A.1. through A.4. 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 (“CGS”), orders Respondent as follows:
1. Compliance Assurance. Respondent shall bring all violations identified in paragraph A.5. into compliance and maintain its compliance with all applicable provisions of the Sections 22a-449(c)-100, et. seq. of the RCSA, including but not limited to those regulations identified in paragraph A.5. above. In particular:
 - a. Retention of Consultant. On or before thirty (30) days after the issuance of this consent order, the Respondent shall identify, for the Commissioner’s review and written approval, one or more qualified consultant(s) to prepare the documents and oversee the actions required by this consent order. The Respondent shall retain one or more qualified consultants as approved by the Commissioner until they comply with this consent order. 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. The consultant(s) retained to prepare the documents and implement or oversee the actions required by this Order must be knowledgeable in Connecticut’s Hazardous Waste Management Regulations. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
 - b. Correct Violations. On or before **thirty (30) days** after issuance of this consent order, Respondent shall submit, for the Commissioner’s review and approval, documentation demonstrating that the violations noted in paragraph A.5. above have been corrected.
 - c. Comprehensive Plan. On or before **sixty (60) days** after issuance of this consent order, Respondent shall submit for the Commissioner’s review and written approval, a plan detailing additional actions and/or operational changes it has undertaken or will undertake to ensure compliance with Connecticut’s hazardous waste management regulations Section 22a-449(c)-100, et. seq. of the RCSA; including, but not limited to, those set forth in paragraph A.5. of this consent order. Within five (5) days after the Commissioner approves such plan, Respondent shall carry out the plan and maintain it in full effect thereafter.
 - d. Business Recycling Profile. On or before **ninety (90) days** after issuance of this consent order, 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 shall submit for the Commissioner’s review and written approval a Business Recycling Profile documenting the management of recyclable materials at the facility. Refer to the enclosed Business Recycling Profile (**Attachment A**).

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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. Civil penalty for violations. On or before **fourteen (14) days** after the date of issuance of this consent order, Respondent shall pay a civil penalty of **Nineteen Thousand One Hundred Fifty dollars (\$19,150)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.5. of this consent order. Payment shall be made in accordance with the provisions of paragraph B.4.
4. Payment of penalties. Payment of penalties under paragraph B.3. 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.
5. 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 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.
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.

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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 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."

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 property to any other person or municipality.
13. 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.
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 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.
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.

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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. Paul Franson, Environmental Analyst 3
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
Department of Energy and Environmental Protection
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.

Consolidated Industries Acquisition Corporation


BY: 
 B1DDC0FB80CC4AG...
 (Signature of the individual with authority to bind Respondent to terms of consent order)
 Victor Venettozzi

 Name (typed)
 VPGM

 Title
 11/13/2021

 Date

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


 208C14CB8EC2433...
 Betsey Wingfield
 Betsey C. Wingfield
 Deputy Commissioner
 Department of Energy and Environmental Protection

 11/19/2021

 Date

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Attachment A

Business Recycling Profile