



**STATE OF CONNECTICUT  
V.  
RECYC MATTRESSES CORP.**

**CONSENT ORDER # WSWDS16004**

**Date Issued: August 18, 2016**

- A. With the agreement of Recyc Mattresses Corp. (“Respondent”), the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds the following:
1. Respondent is a company registered to do business in Connecticut with the Connecticut Secretary of State. The Respondent’s registered business and mailing address is 6632 Abrams, Montreal Canada H4S141. Respondent conducts mattress recycling activities at 12 Eastern Park Road, East Hartford Connecticut (“the Site”).
  2. On August 14, 2014, the Department of Energy and Environmental Protection (“the Department”) issued an Approval of Registration, Registration Number 043-370 authorizing Respondent to Construct and Operate a Single Item Recycling Facility (“Recycling General Permit”).
  3. On February 2, 2016, the General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes (“Commercial General Permit”) was issued and superseded the Recycling General Permit. On May 9, 2016, Respondent submitted a timely registration (Application No. 201606122) to maintain authorization to conduct mattress recycling activities at the Site. The registration is under technical review by the Department.
  4. Based on the findings of inspections performed at the Site by the Department’s Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division on November 10, 2015, February 18, 2016, May 2, 2016 and May 25, 2016, the Department finds:
    - a) Respondent violated Section 5(a)(5) of the Recycling General Permit by failing to handle mattresses in such a manner as to prevent contamination or degradation that could render them unmarketable. Specifically, during the November 10, 2015 inspection, the Department observed hundreds of mattresses stored outdoors on the ground and unprotected from the elements.
    - b) Respondent violated Section 5(a)(10)(A) of the Recycling General Permit by failing to ensure that a sign is posted at the entrance to the facility that states at a minimum, the name of the Permittee, the Registration Number, the hours of operation, and the authorized users. Specifically, during the November 10, 2015 inspection, the Department observed no respective posting or sign at the Site.
    - c) Respondent violated Section 5(a)(12)(A) of the Recycling General Permit by failing to ensure that adequate equipment was be provided to control fires. Specifically, during the November 10, 2015 inspection, the Department observed several of the six (6) handheld fire extinguishers tested had lost their charge or were otherwise inoperable. Additionally, during the November 10, 2015 inspection, the Department observed a temporary compressor had been installed to operate the sprinkler.



- d) Respondent violated Section 5(a)(13) of the Recycling General Permit by failing to comply with the facility's approved Operation and Management Plan ("O&M Plan") dated June 9, 2014 and prepared in accordance with Section 4(c)(2)(J)(ii) of the Recycling General Permit. Specifically during the November 10, 2015 inspection, the Department found:
- i. mattresses stored outdoors on the ground and unprotected from the elements, which is non-compliant with Section 4.2 of the O&M plan;
  - ii. facility personnel were unable to demonstrate that records were being maintained to document incoming and outgoing material at the facility as required by Section 8.0 of the O&M plan.
  - iii. facility personnel were unable to provide daily Site inspection reports to demonstrate that maintenance procedures outlined in Section 9.0 of the O&M plan were being adhered to.
- e) Respondent violated Section 5(a)(14) of the Recycling General Permit by failing to ensure that a copy of the Recycling General Permit, the O&M Plan, and the Professional Engineer certified Site Plan ("Facility Site Plan") are available at the facility. Specifically, during the November 10, 2015 inspection, Respondent's personnel could not, upon request, provide a copy of the Recycling General Permit, O&M plan, and Facility Site Plan.
- f) Respondent violated Section 5(a)(15) of the Recycling General Permit by failing to maintain daily records of material received and processed at the Site, as required by Section 22a-209-10(13) of the Regulations of Connecticut State Agencies ("RCSA"). Specifically, the Department found that daily records to identify the type, quantity, origin and destination of mattresses received at the facility were not being maintained and could not be produced during the November 10, 2015 inspection.
- g) Respondent violated Section 5(a)(15) of the Recycling General Permit by failing to submit quarterly reports to the Department, as required by Section 22a-208e of the Connecticut General Statutes. Specifically, according to Department records, quarterly solid waste reports have not been submitted for the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of the 2015 reporting year, as well as the 1<sup>st</sup> and 2<sup>nd</sup> quarters of the 2016 reporting year.
- h) Respondent violated Section 5(b)(7)(A) of the Recycling General Permit by failing to store less than one thousand and nine hundred (1,900) unprocessed mattresses at any one time. Specifically, during the November 10, 2015 inspection, the Department observed approximately four thousand (4,000) mattresses stored at the Site at the time of the inspection.
- i) Respondent violated Section 5(b)(7)(D) of the Recycling General Permit by failing to ensure that all mattresses are inspected for human bed bugs and bed bug eggs within forty-eight hours of receipt at the facility and prior to placement in storage at the facility. Specifically, during the November 10, 2015 inspection, Respondent's personnel could not, upon request, provide records indicating respective inspections of the mattresses were conducted at the Site.
- j) Respondent violated Section 5(c)(1)(M) of the Recycling General Permit by failing to ensure that all tipping and processing of mattresses are conducted inside a totally enclosed structure with a roof. Specifically during the November 10, 2015 inspection, the Department observed unprocessed mattresses and components stored outdoors on the ground.
- k) Respondent violated Section 5(c)(1)(N) of the Recycling General Permit by failing to confine storage of incoming and processed mattresses within the processing building. Specifically during the November 10, 2015 inspection, the Department observed approximately 200 unprocessed



mattresses and box springs stored in an adjacent warehouse. Additionally, during the May 28, 2016 inspection, the Department observed (2) two (45) forty-five foot trailers with Respondent's logo parked in front of an adjacent warehouse.

- l) Respondent violated Section 22a-209-6(a) of the RCSA by failing to have a certified operator at the Site at all times during operating hours.
5. On December 2, 2015, the Department issued Notice of Violation No. WSWDS15058 to Respondent requiring correction of the violations cited in paragraph A.4 of this Consent Order. Respondent submitted responses (dated or received on) December 16, 2015, February 16, 2016, March 14, 2016, April 13, 2016, May 20, 2016, June 4, 2016 and June 21, 2016 in response to NOV No. WSWDS15058 but has not fully addressed all violations.
  6. By virtue of the above, Respondent has violated Sections 22a-208 and 22a-636 of the Connecticut General Statutes ("CGS"), of the RCSA, and the Recycling General Permit.
- B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-208 and 22a-225 of the CGS, orders Respondent as follows:
1. Respondent shall bring all violations identified in paragraph A.4. above into compliance and maintain its compliance with all applicable requirements of Chapter 446d of the CGS and the Recycling General Permit or Commercial General Permit as applicable, in accordance with the following schedule:
    - a. On or before **fifteen (15) days** after the date of issuance of this Consent Order, Respondent shall provide documentation to the Commissioner that one or more consultants have been retained by Respondent 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 consultants. 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 one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. Any such consultant shall be qualified to evaluate and determine compliance with regulations promulgated as 22a-209-1 through 22a-209-17 of the RCSA. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by the Consent Order within **ten (10) days** after a request for such a description. Nothing in this paragraph shall prevent the Commissioner from finding a previously acceptable consultant unacceptable.
    - b. On or before **forty five (45) days** after the date of issuance of this Consent Order, the consultant retained in accordance with paragraph B.1.a above shall provide a written report to the Commissioner, for his review and written approval that includes a detailed description of all such corrective actions undertaken and supporting documentation demonstrating that the violations identified in paragraph A.4. above have been corrected.
    - c. Compliance Specialist: On or before **sixty (60) days** after the date of issuance of this Consent Order, Respondent shall demonstrate to the Department that a "Compliance Specialist" has been employed to be directly responsible for environmental compliance at the Site. This individual or individuals shall be: a) familiar with day-to-day operations and maintenance at the Site; b) knowledgeable in Connecticut's solid waste management requirements, specifically with respect to the requirements of the Recycling General Permit or Commercial General Permit, as applicable; and c) be authorized to implement all necessary actions to remediate incidents of non-compliance at the Site. This individual or individuals shall perform weekly inspections of the Site to assess compliance with Connecticut's solid waste management requirements, specifically with respect to the requirements of the Recycling General Permit or Commercial General Permit, as applicable, until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction; and complete a written



report for each weekly inspection that includes a detailed summary of all non-compliance issues observed, recommendations for corrective measure(s), time frame(s) associated with implementation of each corrective measure and written certification that he/she has inspected the Site to assess compliance with Connecticut's solid waste management requirements.

- d. Facility Site Plan: On or before **sixty (60) days** after the date of issuance of this Consent Order, Respondent shall provide Facility Site Plan drawing(s) showing the Site's boundaries and the location of the proposed management of Recyclables and other Solid wastes, specifically including mattresses. The Facility Site Plan drawing shall be prepared, signed, dated, stamped and certified by a Professional Engineer licensed to practice in Connecticut. The Facility Site Plan shall provide a clear and detailed representation of all existing and proposed natural and man-made features, legend, scale and notes with references. The Facility Site Plan shall also include depiction of all structures and all indoor and outdoor activities, including delineations, dimensions and quantities of processing and storage equipment and areas prepared and dedicated for receipt, storage and processing of such solid waste (including temporary storage areas for mattresses identified to contain bed bugs) in accordance with the Recycling General Permit or Commercial General Permit, as applicable.
2. Compliance Audits: On or before **sixty (60) days** after the date of issuance of this Consent Order, and continuing until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction, Respondent shall perform and submit quarterly compliance audits. At a minimum, Respondent shall ensure the consultant retained in accordance with paragraph B.1.a above performs and submits the first compliance audit. Subsequent compliance audits may be performed and submitted by the Compliance Specialist identified in paragraph B.1.c above. Compliance audits required by this condition shall consist of a thorough and complete assessment of the Respondent's compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of the Recycling General Permit or Commercial General Permit, as applicable.
3. Business Recycling Checklist: On or before **sixty (60) days** after the date of issuance of this Consent Order, Respondent shall conduct a comprehensive recycling review of Respondent's office location to evaluate compliance with Connecticut's recycling laws set forth in CGS Section 22a-241b(c). Respondent shall submit for the Commissioner's review and written approval a business recycling profile documenting the management of recyclable materials. An example profile is included as Attachment A to this Consent Order.
4. Progress reports: On or before the last day of each month of each year after the date of issuance of this Consent Order, and continuing until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this Consent Order. Each progress report shall include copies of all weekly inspection reports completed by Compliance Specialist as identified in paragraph B.1.c. Each progress report shall also include copies of the following records/logs demonstrating they are being actively maintained and completed on a daily basis:
  - a. Daily Site Inspections Logs
  - b. Daily Receiving Logs
  - c. Mattress/Bed Bug Inspection Logs
  - d. Equipment Inspection Logs
  - e. Emergency Spills Logs
  - f. Inadvertently Received Material logs
5. Future Compliance Plan: On or before **sixty (60) days** after the date of issuance of this Consent Order, Respondent shall submit for the Commissioner's review and written approval, a plan detailing actions and/or operational changes it has undertaken or will undertake to ensure compliance with Connecticut's solid waste management regulations and Recycling General Permit or Commercial General Permit, as applicable, including, but not limited to, those requirements violated as set forth in paragraphs A.4 of the Consent Order.





6. 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.
7. Status of Notice of Violation No. WSWDH 15058: This Consent Order supersedes Notice of Violation No. WSWDH 15058.
8. 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.
9. 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.
10. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. 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.
12. 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 RCSA, 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."
13. 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.



14. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 53a-1 57b of the CGS and any other applicable law.
15. 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 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.
16. 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.
17. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.




23. 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:

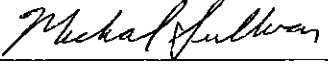
Evelyn Silva, Environmental Analyst II  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Waste Engineering and Enforcement Division  
79 Elm Street, 4<sup>th</sup> Floor  
Hartford, Connecticut 06106-5127

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.

**RECYC MATTRESSES CORP.**

BY:   
Eric Castro, President  
August 17<sup>th</sup> 2016  
Date

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

  
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Michael Sullivan  
Deputy Commissioner

August 18, 2016  
\_\_\_\_\_  
Date

Consent Order #

Cc: Town of East Hartford Land Records

