



**STATE OF CONNECTICUT**

**V.**

**NAVTEC RIGGING SOLUTIONS, INC.**

**CONSENT ORDER #WSWDH17005**

**Date Issued:** August 4, 2017

- A. With the agreement of NAVTEC Rigging Solutions, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:
1. Respondent is a corporation registered to do business in Connecticut with the Connecticut Secretary of the State which is or has been engaged in manufacturing hydraulic systems and rigging components at the property located at 351 New Whitfield Street in Guilford, Connecticut ("the Site").
  2. Respondent is or has been a generator of hazardous waste at the Site.
  3. Based on the findings of inspections of the Site performed by the Department of Energy and Environmental Protection ("the Department"), Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division on August 18, 2016, March 7 and March 24, 2017, and April 12, 2017 Respondent:
    - a. Failed to determine whether each waste generated at the Site is a hazardous waste as required by Section 22a-449(c)-102(a)(2)(A) of the Regulations of Connecticut State Agencies ("RCSA"), which incorporates by reference Title 40 of the Code of Federal Regulations ("CFR") 262.11 with specified changes. Specifically, the Department found hazardous waste determinations were needed for several waste streams associated with Respondent's manufacturing operations at the Site, including but not limited to, buffing dust disposed to the ground and the contents of: four, 55-gallon drums of waste acid located in the hazardous waste storage area; one, 55-gallon drum of unused virgin acid located in the hazardous waste storage area; one, 55-gallon drum of waste acid and wastewater located in the hazardous waste storage area; one, 20-gallon satellite container of contaminated absorbent; twenty, 55-gallon drums reportedly containing used oil located in the hazardous waste storage area; nine, 30-gallon containers reportedly containing used oil located in the hazardous waste storage area; two, 55-gallon drums of used oil located in the machining area; two, 30-gallon containers of used oil located in the machining area; two aboveground storage tanks accumulating alkali parts cleaner rinse water and waste from the former tumbling process; the former electropolish process tank; and the former electropolish process tank's containment system.
    - b. Failed to determine the total halogen content of each used oil as required by Section 22a-449(c)-119(b)(1) of the RCSA. Specifically, the Department found no records showing that total halogen testing had been done for the used oils generated by Respondent and referenced in Violation A.3.a above.
    - c. Failed to obtain a permit to operate a hazardous waste storage facility prior to storing hazardous waste for greater than 90 days as required by Section 22a-449(c)-102(a)(2)(L) of the RCSA, which incorporates by reference 40 CFR 232.34(b) with specified changes. Specifically, the Department found waste acid dated "3/7/16" stored on-site through at least December 16, 2016.

- d. Failed to label or mark accumulation containers 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, which incorporates by reference 40 CFR 262.34(a)(3) with specified changes. Specifically, the Department found one, 55-gallon drum of waste acid and one, 55-gallon drum of waste acid and wastewater located in the hazardous waste storage area were not marked with the words "Hazardous Waste".
- e. Failed to develop, follow, and maintain a written inspection schedule and log as required by Section 22a-449(c)-102(b)(2) of the RCSA, which incorporates by reference 40 CFR 265.15 with specified changes. Specifically, the Department found no written inspection schedule or log for daily inspections of all loading/unloading areas subject to spills, weekly inspections of containers within the hazardous waste storage area, or monthly inspections of safety and emergency response equipment.
- f. Failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies as required by Section 22a-449(c)-102(a)(2)(K) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(4) and 265.16 with specified changes. Specifically, the Department found no evidence that hazardous waste management training was provided to employees.
- g. Failed to designate an emergency coordinator as required by Section 22a-449(c)-102(a)(1) of the RCSA which incorporates by reference 40 CFR 262.34(a)(4) and 265.55. Specifically, the Department found Respondent did not designate an emergency coordinator.
- h. Failed to maintain a hazardous waste management contingency plan as required by Section 22a-449(c)-102(a)(2)(K) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(4) with specified changes. Specifically, the Department found no such contingency plan maintained on-site.
- i. Failed to provide an impermeable base to contain leaks and spills as required by Section 22a-449(c)-102(a)(2)(E) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175(b). Specifically, the Department found several containers accumulating liquid wastes in the electropolish area stored on the concrete floor and a potential breach in the coating or no coating on the floor and berm of the hazardous waste storage area.
- j. Failed to accumulate universal waste for no longer than one year from the date the universal waste was generated as required by Section 22a-449(c)-113(a) of the RCSA, which incorporates by reference 40 CFR 273.15(a). Specifically, the Department found Respondent had accumulated several cardboard boxes containing universal waste lamps for approximately three years.
- k. Failed to label or mark clearly containers used to store used oil with the words "Used Oil" as required by Section 22a-449(c)-119(a)(1) of the RCSA, which incorporates by reference 40 CFR 279.22(c). Specifically, the Department found many containers accumulating used oil were marked "Waste Oil" instead of "Used Oil" and twenty, unlabeled, 55-gallon drums and nine, unlabeled, 30-gallon containers reportedly accumulating used oil in the machining area.
- l. Failed to obtain a permit to dispose of chemical liquids or waste solid, liquid or gaseous products as required by Section 22a-454(a) of the Connecticut General Statutes ("CGS"). Specifically, the Department found buffing dust disposed to the ground without a permit to do so.

- m. Failed to label containers accumulating hazardous waste with the date on which accumulation began as required by Section 22a-449(c)-102(a)(1) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(2). Specifically, the Department found containers of waste acid and waste acid contaminated solids not clearly dated with the accumulation start date.
  - n. Failed to maintain adequate aisle space as required by Section 22a-449(c)-102(a)(2) of the RCSA, which incorporates by reference 40 CFR 262.34(a)(1)(i) and 265.35 with specified changes. Specifically, the Department found more than fifty, 55-gallon drums stored closely together limiting the ability for inspection of these containers.
  - o. Failed to obtain a permit to build, establish, or alter a solid waste disposal facility in which greater than 10 cubic yards of solid waste was disposed of after July 1, 1971 as required by Sections 22a-209-2, 22a-209-4, 22a-209-7, and 22a-209-8 of the RCSA and Sections 22a-208a(b) and 22a-208c of the CGS. Specifically, the Department found more than fifty, 55-gallon drums of liquid wastes, two, 2,400-gallon above ground storage tanks with contents, buffing dust, chemical wastes generated by the former electropolish line, and miscellaneous partially used products stored on-site since at least the August 2016 inspection.
4. On August 18, 2016, the Department issued Notice of Violation No. NOVWSWDH16079 to Respondent to correct the violations discovered as a result of the August 2016 inspection and listed in paragraph A.3.a through A.3.l.
  5. In correspondence received November 18, 2016 and December 12, 16, and 20, 2016, Respondent represented that the violations corresponding to those listed in paragraphs A.3.a, A.3.d, A.3.e, A.3.g, and A.3.k of this consent order had been resolved.
  6. During the March 7<sup>th</sup>, 24<sup>th</sup>, and April 12<sup>th</sup>, 2017 re-inspections, the Department discovered the violations listed in paragraphs A.3.b, A.3.c, A.3.f, A.3.h through A.3.j, and A.3.l to be continuing and the additional violations listed in paragraphs A.3.m through A.3.o. The Department also found that Respondent had ceased operating at and occupying the Site on or around January 1, 2017.
  7. By virtue of the above, Respondent has violated Sections 22a-449(c)-102, 22a-209-2, 22a-209-4, 22a-209-7, 22a-209-8, and 22a-449(c)-119 of the RCSA and Sections 22a-208a(b), 22a-208c, and 22a-454 of the CGS.
- B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-131, 22a-208, 22a-225, 22a-226, and 22a-449 of the CGS, orders Respondent as follows:
1. Respondent shall bring all violations identified in paragraphs A.3 and A.6 above into compliance and maintain its compliance with all the applicable provisions of the RCSA Section 22a-449(c)-100, et. seq., including but not limited to those regulations applicable to generators of hazardous waste identified in paragraphs A.3 and A.6 above and Section 22a-454 of the CGS in accordance with the following schedule:
    - 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 oversee the actions required under paragraph B.1.c of this consent order. Respondent shall retain such consultants or retain other qualified environmental consultants acceptable to the Commissioner until paragraph B.1.c of this consent order is fully complied with, and within **ten (10) days** after retaining any consultants other than those originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. 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 description. 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 fully remove or cause the removal and proper disposal of the buffing dust disposed on the ground behind the former buffing area and submit a report, for the Commissioner's review and approval, confirming completion of the removal. The report shall include, but not be limited to, copies of photographs documenting the removal, analytical results, weight tickets, trip tickets, bills of lading, and/or manifests demonstrating that the waste has been fully removed.
  - c. On or before **ninety (90) days** after the date of issuance of this consent order, Respondent shall complete or cause the completion of closure of its former hazardous waste storage areas at the Site in accordance with the guidance set forth in the attached "Draft RCRA Closure Guidance for Generators Who Store Less than 90 Days Container Storage Areas and Tank Systems" and submit a report, for the Commissioner's review and approval, certifying completion of such closure activities.
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 NOVSWDHI16079: This consent order supersedes NOVSWDHI16079.
  4. Civil penalty. On or before one hundred twenty (120) days after the issuance of this consent order, Respondent shall pay a penalty of **eight thousand two hundred and fifty-four dollars (\$8,254)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.3 and A.6 above. Payment shall be made in accordance with the protocol described in paragraph B.5 below.
  5. Payment of penalties. Payment of penalties under 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 the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, civil penalty" and the consent order number identified on the first page of this consent order. A copy of the check as well as any transmittal letter shall be mailed or delivered to Julie Dutton, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division at the same address.
  6. 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.

7. 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.
8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
9. 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.
10. 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."*
11. 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.
12. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under Section 53a-157b of the CGS and any other applicable law.
13. 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.

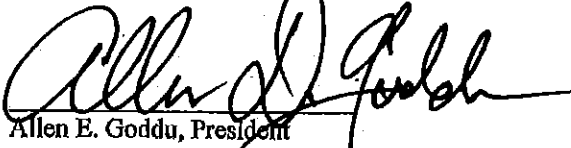
14. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover 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.
15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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:

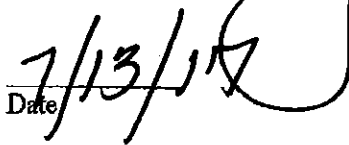
Michelle L. Gore, Sanitary Engineer 3  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Waste Engineering and Enforcement Division  
79 Elm Street, 4<sup>th</sup> Floor  
Hartford, Connecticut 06106-5127

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.

NAVTEC RIGGING SOLUTIONS, INC.

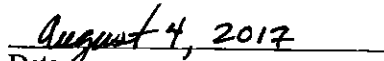
BY:

  
Allen E. Goddu, President

  
Date 7/13/17

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

  
Robert E. Kaliszewski  
Deputy Commissioner

  
Date August 4, 2017

Consent Order # 94 14 8149 0158 5922 0096 76

Town of Guilford Land Records