

STATE OF CONNECTICUT

V.

HI-TECH CHROME PLATING & POLISHING, LLC

CONSENT ORDER # WSWDH 13016

Date Issued: July 17, 2013

- A. With the agreement of Hi-Tech Chrome Plating & Polishing, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:
1. Respondent is a Connecticut corporation, which is or has engaged in the business of chrome plating at a site located at 33 Gamache Lane, North Windham, Connecticut ("the site").
 2. The Respondent is or has been a generator of hazardous waste at the site.
 3. Staff from the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division ("WEED") conducted an inspection at the site on February 6 and 7, 2013. Based upon the inspection, WEED found that the Respondent failed to:
 - a. Perform a hazardous waste determination on each solid waste generated at the site, in violation of the Regulations of Connecticut State Agencies ("RCSA") Section 22a-449(c)-102(a)(2)(A), incorporating (with specified changes) Title 40 of the Code of Federal Regulations ("CFR") 262.11. Specifically, the Department found that documentation needed to support a hazardous waste determination was lacking for: a) spent masking tape (contaminated with chromium); and b) spent mercury containing lamps.
 - b. Maintain aisle space to allow for the unobstructed movement of personnel in the event of an emergency, in violation of Section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 265.35. Specifically, the Department found that aisle space had not been maintained in an area accumulating 12 drums of hazardous waste, in the northwest portion of the shop floor.
 - c. Date each container accumulating hazardous waste, in violation of Section 22a-449(c)-102(a)(1) of the RCSA, incorporating 40 CFR 262.34(a)(2). Specifically, the Department found that 12 drums accumulating hazardous waste were not marked with the date upon which each period of accumulation began.

- d. Mark each container accumulating hazardous waste, in violation of Section 22a-449(c)-102(a)(2)(J) of the RCSA, incorporating (with specified changes) 40 CFR 262.34(a)(3). Specifically, the Department found that 12 containers accumulating hazardous waste were not marked with the words "Hazardous Waste" and/or with words identifying the contents of each container, such as "flammable", "acid", "reactive", or the chemical name.
- e. Mark each container of hazardous waste managed in a satellite accumulation area, in violation of Section 22a-449(c)-102(a)(2)(N) of the RCSA, incorporating (with specified changes) 40 CFR 262.34(c)(1)(ii). Specifically, the Department found that two 55-gallon drums of hazardous waste managed in a satellite accumulation area were not marked with the words "Hazardous Waste" and/or with words identifying the contents of the containers, such as "flammable", "acid", "reactive", or the chemical name.
- f. Provide a hazardous waste container storage area with a secondary containment system, in violation of Section 22a-449(c)-102(a)(2)(E) of the RCSA, incorporating (with specified changes) 40 CFR 264.175. Specifically, the Department found 12 containers of hazardous waste being stored on a concrete floor in the northwest portion of the building. The floor in this area was not sealed with an impervious coating and was not provided with a secondary containment system (i.e., berms, subfloor, trenches, etc.).
- g. Obtain a permit from the Commissioner prior to accumulating hazardous waste for more than 90 days, in violation of Section 22a-449(c)-102(a)(2)(L) of the RCSA, which incorporates by reference 40 CFR 262.34(b) with specified changes. A generator that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 40 CFR parts 264 and/or 265 and the permit requirements of 40 CFR part 270. Specifically, the Department found that at the time of the inspection 12 drums of hazardous waste had been stored at the facility for greater than 90 days.
- h. Perform inspections at the facility, in violation of Section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(a). Specifically, the Department found that the required hazardous waste inspections had not been performed at the site prior to the Department's site visit, nor had a written schedule for conducting the required inspections been developed.
- i. Ensure all employees are trained relevant to their hazardous waste management responsibilities, in violation of Section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 265.16(a). Specifically, the Department found that while some OSHA - Hazard Communication training had been provided to employees working at the site, no training specific to the hazardous waste management requirements had been provided.
- j. Have a contingency plan for the site, in violation of Section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 265.51. Specifically, the Department found that while the site was maintaining a document entitled "Hazardous Waste Management Plan", which included a one-page emergency action section (providing an evacuation description); it did not have a Contingency Plan containing all of the elements required pursuant to 40 CFR Part 265, Subpart D.

4. On April 11, 2013, WEED issued Notice of Violation No. WSWDH13025 to the Respondent to correct the violations corresponding to those cited in subparagraphs A.3.a. through A.3.j. of this consent order.
 5. Based on correspondence submitted to WEED on April 30 and June 6, 2013 Respondent has corrected the violations corresponding to those listed in subparagraphs A.3.a. through A.3.j. of this consent order.
 6. By virtue of the above, the Respondent has violated RCSA Section 22a-449(c)-100, et. seq.
- 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 maintain its compliance with all 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 paragraph A.3. above. In particular:
 - a. On or before thirty (30) days after issuance of this consent order, Respondent shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such 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. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent order within ten (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
 - b. On or before sixty (60) days after 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 RCSA Section 22a-449(c)-100, et. seq., including, but not limited to, those set forth in paragraph A.3. 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.
 - c. 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 CGS Section 22a-241b(d), and shall submit for the Commissioner's review and written approval a Business Recycling Profile documenting the management of recyclable materials at each facility. Refer to the enclosed Business Recycling Profile (Attachment A).

2. Status of Notice of Violation (NOV) No. WSWDH13025 This consent order supersedes NOV No. WSWDH13025.
3. 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.
4. Civil penalty. On or before thirty (30) days after issuance of this consent order, Respondent shall pay a penalty of three thousand two hundred seventy-five dollars (~~\$3,275~~⁰⁰) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.3. of this consent order. Penalty payments shall be made in accordance with the instructions detailed in paragraph B.5.
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 the Consent Order. A copy of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance 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 §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."
11. 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.
12. 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.
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 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.
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:

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

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.

Hi -Tech Chrome Plating & Polishing, LLC

BY: 

NAME: Lisa Krukoff

TITLE: Member

DATE: 06-28-13

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


Macky McCleary
Deputy Commissioner
Department of Energy and Environmental Protection

7/15/13
Date

Consent Order No. : WSWDH13016

ATTACHMENT A

Business Recycling Profile Form



Connecticut Department of
Energy & Environmental Protection

Business Recycling Profile

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

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

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

Part I: Company Information

1. Company Name:	City/Town:	State:	Zip Code:
Mailing Address:	Title:	Email:	
2. Recycling Contact:	Phone(s):	Title:	
3. Additional Contact:	Phone(s):	Email:	

Part II: Facility/Operations

1. Type of business:	4. Acreage of lawn area::
2. Number of buildings:	5. Number of employees:
3. Total square footage of building(s)	

*Materials will be designated recyclables in 2012.

Part III: Company's Current Recycling & Recovery Efforts

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

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

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

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

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

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

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

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

Part V: Recycling & Recovery Programs Planned (continued)

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

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

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

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

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

PHONE: (860) 424-3365