

STATE OF CONNECTICUT

V.

GREENFIELD GLOBAL USA INC.

CONSENT ORDER No. COWSWDH 19006

Date Issued: 5/2/2019

- A. With the agreement of Greenfield Global USA Inc. (Respondent), the Commissioner of Energy and Environmental Protection (the Commissioner) finds:
1. Respondent is a Connecticut Corporation registered to do business with the Connecticut's Secretary of State with the business address of 58 Vale Road, Brookfield, Connecticut, with the mailing address of 20 Toronto Street, 14th Floor, Toronto, ON, M5C2B, Canada, and with a manufacturing facility located at 58 Vale Road, Brookfield, Connecticut (Site)
 2. Respondent is or has been a generator of hazardous waste at the Site.
 3. Based on an inspection conducted by the Department of Energy and Environmental Protection (DEEP), Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, on July 31, 2018 and August 15, 2018, Respondent:
 - a. **Failed to obtain an EPA identification number prior to treating, storing, disposing of, transporting, or offering for transport hazardous waste** as required by section 22a-449(c)-102(a)(1) of the Regulations of Connecticut State Agencies (RCSA), incorporating Title 40 of the Code of Federal Regulations (40 CFR) 262.12(a).
 - b. **Failed to prepare and submit a biennial hazardous waste report by March 1, 2018 (at least) that covers generator activities for the previous year** as required by section 22a-449(c)-102(a)(2)(AA) of the RCSA, incorporating 40 CFR 262.41(a) with specified changes.
 - c. **Failed to label each container of hazardous waste with the words "Hazardous Waste" and a description of its contents** as required by section 22a-449(c)-102(a)(2)(J) of the RCSA, incorporating 40 CFR 262.34(a)(3) with specified changes.
 - d. **Failed to mark each container of hazardous waste with the date upon which the accumulation began** as required by section 22a-449(c)-102(a)(1) of the RCSA, incorporating 40 CFR 262.34(a)(2).

- e. **Failed to demonstrate that hazardous waste was not stored at the facility for greater than ninety (90) days and a permit from the Commissioner was not requisite** as required by section 22a-449(c)-102(a)(2)(L) of the RCSA, incorporating 40 CFR 262.34(b) with specified changes.
- f. **Failed to mark all satellite accumulation containers with the words "Hazardous Waste" and other words that identify the contents of each container** as required by section 22a-449(c)-102(a)(2)(N) of the RCSA, incorporating 40 CFR 262.34(c)(1)(ii) with specified changes.
- g. **Failed to ensure that satellite accumulation containers remain closed except when adding or removing hazardous waste** as required by section 22a-449(c)-102(a)(2)(M) of the RCSA, incorporating 40 CFR 262.34(c)(1)(i) with specified changes, which requires compliance with 40 CFR 265.173(a).
- h. **Failed to develop and follow a written schedule for inspections of the hazardous waste container storage area and all safety and emergency equipment** as required by section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(b).
- i. **Failed to include all required information in the weekly hazardous waste container area inspection log and the monthly safety and emergency equipment inspection logs** as required by section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(d).
- j. **Failed to conduct weekly inspections of the hazardous waste container storage area** as required by section 22a-449(c)-102(a)(2)(E) of the RCSA, incorporating 262.34(a)(1)(i) with specified changes which requires compliance with 40 CFR 265.174.
- k. **Failed to conduct inspections of safety and emergency equipment at least monthly** as required by section 22a-449(c)-102(b)(2) of the RCSA, incorporating 40 CFR 265.15(b)(4) with changes specified in section 22a-449(c)-105(a)(2)(G) of the RCSA.
- l. **Failed to record weekly inspections of the hazardous waste container storage area and the monthly inspection of safety and emergency equipment in a log or summary** as required by section 22a-449(c)-102(b)(2) of the RCSA incorporating 40 CFR 265.15(d).
- m. **Failed to have a contingency plan for the facility** as required by section 22a-449(c)-102(a)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes which requires compliance with 40 CFR 265.51 and 265.52.
- n. **Failed to designate an emergency coordinator and alternate emergency coordinator(s)** as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes, which requires compliance with 40 CFR 265.52(d) and 265.55.
- o. **Failed to demonstrate that copies of the contingency plan had been submitted to emergency services/department** as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes, which requires compliance with 40 CFR 265.53(b).
- p. **Failed to provide initial hazardous waste training for the emergency coordinator, the alternate emergency coordinator, and other personnel who have hazardous waste management responsibilities** as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) which requires compliance with 40 CFR 265.16(a).

- q. **Failed to provide an annual update of hazardous waste training** as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes which requires compliance with 40 CFR 265.16(c).
 - r. **Failed to have a training program that teaches contingency plan implementation** as required by section 22a-449(c)-102(a)(2)(K), incorporating 40 CFR 262.34(a)(4) with specified changes which requires compliance with 40 CFR 265.16(a)(2).
 - s. **Failed to have a training program that is designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing employees with emergency equipment** as required by section 22a-449(c)-102(a)(2)(K), incorporating 40 CFR 262.34(a)(4) with specified changes which requires compliance with 40 CFR 265.16(a)(3).
 - t. **Failed to maintain records of the job title, name(s) of the employee filling each job title, and written description of each job title** as required by section 22a-449(c)-102(a)(2)(K) of the RCSA, incorporating 40 CFR 262.34(a)(4) with specified changes which requires compliance with 40 CFR 265.16(d)(1) and (2).
4. By virtue of the above, Respondent has violated Sections 22a-449(c)-100 through 119 and 11 of the RCSA, incorporating 40 CFR Parts 260 through 279 and Chapter 446d of the Connecticut General Statutes (CGS).
 5. On October 19, 2018, DEEP issued Notice of Violation No. WSWDH18045 to Respondent to correct the violations corresponding to those cited in subparagraphs A.3.a. through A.3.t. of this consent order.
 6. On November 20, 2018, March 11, 2019, March 14, 2019, and March 27, 2019 DEEP received submittals in response to Notice of Violation No. WSWDH18045 in which the Respondent reported that subparagraphs A.3.a through A.3.t of this consent order were addressed.
- B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, and 22a-449 of the CGS, orders Respondent as follows:
1. Compliance. Respondent shall maintain its compliance with all applicable provisions of Connecticut's hazardous waste management regulations, sections 22a-449(c)-100 through 119 and section 22a-449(c)-11 of the RCSA, including but not limited to, those regulations applicable to generators of hazardous waste identified in paragraph A.3. above. In particular:
 - a. On or before **forty five (45) 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 Sections 22a-449(c)-100, et. seq., including, but not limited to, those violations 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.
 2. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
 3. Status of Notice of Violation No. WSWDH18045. This consent order supersedes Notice of Violation No. WSWDH18045.

4. Civil penalty for violations. On or before fourteen (14) days after issuance of this consent order, Respondent shall pay a civil penalty of thirty-two thousand six hundred dollars (**\$32,600**) 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.
5. Payment of penalties. Payment of penalties under paragraph B.4. of this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Connecticut Department of Energy and Environmental Protection." The check shall state in the memo notation, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division civil penalty" and the consent order number identified at the top of page one of this consent order. Copies of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, at the same address.
6. 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 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 §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:

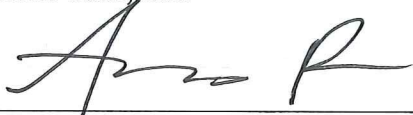
Ms. Michele DiNoia
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

This space intentionally left blank.

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.

Greenfield Global USA, Inc.

BY:



(Signature of the individual with authority to bind Respondent to terms of consent order)

FRANK RICHARDS

Name (typed)

EVP & Managing Director

Title

04/17/2019

Date

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



Katherine S. Dykes
Commissioner

5/2/19

Date

Consent Order No. COWSWDH 19006

Sent via electronic certified mail

**RESOLUTION OF THE DIRECTORS
OF
GREENFIELD GLOBAL USA INC.**

The undersigned, being all of the members of the Board of Directors of Greenfield Global USA Inc., a Connecticut corporation (the "**Corporation**"), hereby consent to and adopt the following resolutions in lieu of a meeting of the Board of Directors of the Corporation.

BE IT RESOLVED THAT:

1. FRANK RICHARDS who was appointed Director of Business Development by resolution dated March 23, 2018 is hereby appointed as Executive Vice President Specialty Chemicals;
2. BOBBI FRANKE who was appointed Director of Business Operations, Packaging by resolution dated March 23, 2018 is hereby appointed Vice President Quality and Business Systems;
3. JEFF STONE who was appointed VP of Finance and Information Technology by resolution dated March 23, 2018 is hereby appointed Vice President Finance and Administration;
4. STEVE DIBENEDETTO who was appointed VP of Sales by resolution dated March 23, 2018 is hereby appointed Senior Vice President of Sales, so that the officers of the Corporation now are:


Howard Field	-	President
Steve DiBenedetto	-	Senior Vice President of Sales
Frank Richards	-	Executive Vice President Specialty Chemicals
Bobbi Franke	-	Vice President Quality and Business Systems
Jeffrey Stone	-	Vice President of Finance and Administration
Ron Kean	-	Vice President General Counsel and Secretary

Any one officer or director of the Corporation is hereby authorized and directed for and on behalf of the Corporation: (i) to execute and deliver all agreements, instruments and documents as such officer or director considers necessary, desirable or useful on behalf of the Corporation; and (ii) to do all such further acts and/or assurances as such officer or director considers necessary in connection with the foregoing.

IN WITNESS WHEREOF, the undersigned directors of GREENFIELD GLOBAL USA INC. hereby adopt the foregoing resolutions as of the 10th day of April, 2019.



Kenneth E. Field



Howard Field



Ron Kean