

DOCKET NO. HHD-LND-CV 12-6029310 S

DANIEL C. ESTY	:	SUPERIOR COURT
COMMISSIONER OF ENERGY AND	:	
ENVIRONMENTAL PROTECTION	:	
	:	JUDICIAL DISTRICT
v.	:	OF HARTFORD
	:	
	:	
SURACI INCORPORATED;	:	
SURACI METAL FINISHING, LLC;	:	
SURACI PAINT & POWDER	:	
COATING, LLC; AND	:	
BRUNO F. SURACI JR.	:	JANUARY 18, 2013

**AMENDED COMPLAINT**

**COUNT ONE**

**SURACI INCORPORATED – Hazardous Waste**

1. The plaintiff is the Commissioner of Energy and Environmental Protection of the State of Connecticut, and, as such, is charged with the supervision and enforcement of the statutes of the State of Connecticut respecting the environment, including Conn. Gen. Stat. Chapter 445 governing hazardous waste and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal proceedings necessary to enforce statutes, regulations, permits or orders administered, adopted or issued by the Commissioner of Energy and Environmental Protection.
2. The Defendant Suraci Incorporated (also known as Suraci Corporation) is a corporation organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the “River Street Site”).

3. At all relevant times to this Complaint, the Defendant Suraci Incorporated was a “generator,” as that term is defined in Regulations of Connecticut State Agencies (“RCSA”) §22a-449(c)-100, incorporating 40 Code of Federal Regulations (“CFR”) 260.10, of “hazardous waste,” as that term is defined in Conn. Gen. Stat. §22a-448 and RCSA §22a-449(c)-101, incorporating 40 CFR 261.3.

4. At all times relevant to this Complaint the Defendant Suraci Incorporated operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting, powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.

5. At all times relevant to this Complaint, Defendant Suraci Incorporated’s activities at the River Street Site resulted in the production of hazardous waste.

6. Specifically, the activities at the River Street Site generated wastes including but not limited to waste paint, solvent contaminated materials, solvent still bottoms, spent process baths, rinse waters, burn off ash, and used sand blasting media as well as used oil and spent fluorescent lamps.

7. For a period of time including at least September 9, 2010 and May 25, 2011 the Defendant Suraci Incorporated improperly managed hazardous waste at the River Street Site in violation of law in the following respects:

a. The Defendant Suraci Incorporated failed to make hazardous waste determinations on wastes generated at the River Street Site in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11 with specified changes;

b. The Defendant Suraci Incorporated failed to mark containers and tanks accumulating hazardous waste with the words "hazardous waste" and a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;

c. The Defendant Suraci Incorporated failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);

d. The Defendant Suraci Incorporated failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175;

e. The Defendant Suraci Incorporated failed to provide impervious secondary containment for tanks accumulating hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 265.193;

f. The Defendant Suraci Incorporated failed to comply with 40 CFR 265 Subpart CC requirements for containers accumulating volatile organic hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) with specified changes;

g. The Defendant Suraci Incorporated failed to obtain a permit prior to storing hazardous waste on site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;

h. The Defendant Suraci Incorporated failed to obtain an EPA identification number for storing, disposing of or offering for transport hazardous waste in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);

- i. The Defendant Suraci Incorporated failed to obtain Professional Engineer (“P.E.”) assessments and certification for hazardous waste accumulation tanks in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 262.34(a)(1)(ii) and 265.192 with specified changes;
- j. The Defendant Suraci Incorporated failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15;
- k. The Defendant Suraci Incorporated failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;
- l. The Defendant Suraci Incorporated failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16 with specified changes;
- m. Defendant Suraci Incorporated failed to maintain containers accumulating hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;
- n. Defendant Suraci Incorporated failed to maintain adequate aisle space in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.35 with specified changes;
- o. Defendant Suraci Incorporated failed to separate incompatible hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.177 with specified changes.

8. Defendant Suraci Incorporated operated a metal finishing operation at 1455 State Street, New Haven, Connecticut (the "State Street Site") from at least 1995 to 2005 consisting of sandblasting, spray painting and powder coating, stainless steel, aluminum, copper, brass and/or bronze parts.

9. At all times relevant to this Complaint Defendant Suraci Incorporated stored hazardous waste chemicals at the State Street Site.

10. For a period of time including at least June 2, 2011 the Defendant Suraci Incorporated improperly managed hazardous waste at the State Street Site in violation of law in the following respects:

a. Defendant Suraci Incorporated failed to make hazardous waste determinations in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11 with specified changes;

b. Defendant Suraci Incorporated failed to maintain containers accumulating hazardous waste in good condition in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.171 with specified changes;

c. Defendant Suraci Incorporated failed to maintain containers of accumulated hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;

d. Defendant Suraci Incorporated failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175;

- e. Defendant Suraci Incorporated failed to mark containers accumulating hazardous waste with the words "Hazardous Waste" and provide a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;
- f. Defendant Suraci Incorporated failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);
- g. Defendant Suraci Incorporated failed to obtain a permit prior to storing hazardous waste on-site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;
- h. Defendant Suraci Incorporated failed to obtain an EPA identification number in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);
- i. Defendant Suraci Incorporated failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;
- j. Defendant Suraci Incorporated failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16;
- k. Defendant Suraci Incorporated failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15; and
- l. Defendant Suraci Incorporated failed to properly manage universal waste lamps in violation of RCSA §22a-449(c)-113(a)(2)(G) incorporating 40 CFR 273.13(d).

11. By engaging in all the conduct pleaded in this Count, the Defendant Suraci Incorporated has violated the provisions of Connecticut law, including Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

**COUNT TWO**

**SURACI METAL FINISHING, LLC – Hazardous Waste**

1. Paragraph 1 of COUNT ONE is hereby incorporated by reference as paragraph 1 of this COUNT TWO.
2. The Defendant Suraci Metal Finishing, LLC (“Suraci Metal Finishing”) is a limited liability company organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the “River Street Site”).
3. At all relevant times to this Complaint, the Defendant Suraci Metal Finishing was a “generator,” as that term is defined in RCSA §22a-449(c)-100, incorporating 40 CFR 260.10, of “hazardous waste,” as that term is defined in Conn. Gen. Stat. §22a-448 and RCSA §22a-449(c)-101, incorporating 40 CFR 261.3.
4. At all times relevant to the Complaint the Defendant Suraci Metal Finishing operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting, powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.
5. At all times relevant to this complaint Defendant Suraci Metal Finishing’s activities at the River Street Site resulted in the production of hazardous waste.
6. Specifically, the activities at the River Street Site generated wastes including but not limited to waste paint, solvent contaminated materials, solvent still bottoms, spent process baths,

rinse waters, burn off ash, and used sand blasting media as well as used oil and spent fluorescent lamps.

7. For a period of time including at least September 9, 2010 and May 25, 2011 the Defendant Suraci Metal Finishing improperly managed hazardous waste at the River Street Site in violation of law in the following respects:

a. The Defendant Suraci Metal Finishing failed to make hazardous waste determinations on wastes generated at the River Street Site in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11 with specified changes;

b. The Defendant Suraci Metal Finishing failed to mark containers and tanks accumulating hazardous waste with the words "hazardous waste" and a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;

c. The Defendant Suraci Metal Finishing failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);

d. The Defendant Suraci Metal Finishing failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175;

e. The Defendant Suraci Metal Finishing failed to provide impervious secondary containment for tanks accumulating hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 265.193;



- f. The Defendant Suraci Metal Finishing failed to comply with 40 CFR 265 Subpart CC requirements for containers accumulating volatile organic hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) with specified changes;
- g. The Defendant Suraci Metal Finishing failed to obtain a permit prior to storing hazardous waste on site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;
- h. The Defendant Suraci Metal Finishing failed to obtain an EPA identification number for storing, disposing of or offering for transport hazardous waste in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);
- i. The Defendant Suraci Metal Finishing failed to obtain Professional Engineer (“P.E.”) assessments and certification for hazardous waste accumulation tanks in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 262.34(a)(1)(ii) and 265.192 with specified changes;
- j. The Defendant Suraci Metal Finishing failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15;
- k. The Defendant Suraci Metal Finishing failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;
- l. The Defendant Suraci Metal Finishing failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16 with specified changes;

m. Defendant Suraci Metal Finishing failed to maintain containers accumulating hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;

n. Defendant Suraci Metal Finishing failed to maintain adequate aisle space in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.35 with specified changes;

o. Defendant Suraci Metal Finishing failed to separate incompatible hazardous wastes in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.177 with specified changes.

8. Defendant Suraci Metal Finishing operated a metal finishing operation at 1455 State Street, New Haven, Connecticut (the "State Street Site") from at least 1995 to 2005 consisting of sandblasting, spray painting, and powder coating, stainless steel, aluminum, copper, brass and/or bronze parts.

9. At all times relevant to this Complaint Defendant Suraci Metal Finishing stored hazardous waste chemicals at the State Street Site.

10. For a period of time including at least June 2, 2011 the Defendant Suraci Metal Finishing improperly managed hazardous waste at the State Street Site in violation of law in the following respects:

a. Defendant Suraci Metal Finishing failed to make hazardous waste determinations in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11 with specified changes;

- b. Defendant Suraci Metal Finishing failed to maintain containers accumulating hazardous waste in good condition in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.171 with specified changes;
- c. Defendant Suraci Metal Finishing failed to maintain containers accumulating hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;
- d. Defendant Suraci Metal Finishing failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175;
- e. Defendant Suraci Metal Finishing failed to mark containers accumulating hazardous waste with the words “Hazardous Waste” and provide a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;
- f. Defendant Suraci Metal Finishing failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);
- g. Defendant Suraci Metal Finishing failed to obtain a permit prior to storing hazardous waste on-site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;
- h. Defendant Suraci Metal Finishing failed to obtain an EPA identification number in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);

i. Defendant Suraci Metal Finishing failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;

j. Defendant Suraci Metal Finishing failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16;

k. Defendant Suraci Metal Finishing failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15; and

l. Defendant Suraci Metal Finishing failed to properly manage universal waste lamps in violation of RCSA §22a-449(c)-113(a)(2)(G) incorporating 40 CFR 273.13(d).

11. By engaging in all the conduct pleaded in this Count, the Defendant Suraci Metal Finishing has violated the provisions of Connecticut law, including Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

### **COUNT THREE**

#### **SURACI PAINT & POWDER COATING, LLC – Hazardous Waste**

1. Paragraph 1 of COUNT ONE is hereby incorporated by reference as paragraph 1 of this COUNT THREE.

2. The Defendant Suraci Paint & Powder Coating, LLC (“Suraci Paint & Powder”) is a limited liability company organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the “River Street Site”).

3. At some point Defendant Suraci Paint & Powder became the successor in interest to Defendant Suraci Metal Finishing.

4. At all relevant times to this Complaint, the Defendant Suraci Paint & Powder was a “generator,” as that term is defined in RCSA §22a-449(c)-100, incorporating 40 CFR §260.10, of “hazardous waste,” as that term is defined in Conn. Gen. Stat. §22a-448 and RCSA §22a-449(c)-101, incorporating 40 CFR 261.3.

5. At all times relevant to this Complaint the Defendant Suraci Paint & Powder operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting, powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.

6. At all times relevant to this Complaint Defendant Suraci Paint & Powder’s activities at the River Street Site resulted in the production of hazardous waste.

7. Specifically, the activities at the River Street Site generated wastes including but not limited to waste paint, solvent contaminated materials, solvent still bottoms, spent process baths, rinse waters, burn off ash, and used sand blasting media as well as used oil and spent fluorescent lamps.

8. For a period of time including at least September 9, 2010 and May 25, 2011 the Defendant Suraci Paint & Powder improperly managed hazardous waste at the River Street Site in violation of law in the following respects:

a. The Defendant Suraci Paint & Powder failed to make hazardous waste determinations on wastes generated at the River Street Site in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11;

b. The Defendant Suraci Paint & Powder failed to mark containers and tanks accumulating hazardous waste with the words “hazardous waste” and a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;

c. The Defendant Suraci Paint & Powder failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);

d. The Defendant Suraci Paint & Powder failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175;

e. The Defendant Suraci Paint & Powder failed to provide impervious secondary containment for tanks accumulating hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 265.193;

f. The Defendant Suraci Paint & Powder failed to comply with 40 CFR 265 Subpart CC requirements for containers accumulating volatile organic hazardous waste in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) with specified changes;

g. The Defendant Suraci Paint & Powder failed to obtain a permit prior to storing hazardous waste on site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;

h. The Defendant Suraci Paint & Powder failed to obtain an EPA identification number for storing, disposing of or offering for transport hazardous waste in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);

i. The Defendant Suraci Paint & Powder failed to obtain Professional Engineer (“P.E.”) assessments and certification for hazardous waste accumulation tanks in violation of RCSA §22a-449(c)-102(a)(2)(F) incorporating 40 CFR 262.34(a)(1)(ii) and 265.192 with specified changes;

j. The Defendant Suraci Paint & Powder failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15;

k. The Defendant Suraci Paint & Powder failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;

l. The Defendant Suraci Paint & Powder failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16 with specified changes;

m. Defendant Suraci Paint & Powder failed to maintain containers accumulating hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;

n. Defendant Suraci Paint & Powder failed to maintain adequate aisle space in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.35 with specified changes;

o. Defendant Suraci Paint & Powder failed to separate incompatible hazardous wastes in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.177 with specified changes;

9. Defendant Suraci Paint & Powder operated a metal finishing operation at 1455 State Street, New Haven, Connecticut (the "State Street Site") from at least 1995 to 2005 consisting of sandblasting, spray painting, and powder coating, stainless steel, aluminum, copper, brass and/or bronze parts.

10. At all times relevant to this Complaint Defendant Suraci Paint & Powder stored hazardous waste chemicals at the State Street Site.

11. For a period of time including at least June 2, 2011 the Defendant Suraci Paint & Powder improperly managed hazardous waste at the State Street Site in violation of law in the following respects:

a. Defendant Suraci Paint & Powder failed to make hazardous waste determinations in violation of RCSA §22a-449(c)-102(a)(2)(A) incorporating 40 CFR 262.11 with specified changes;

b. Defendant Suraci Paint & Powder failed to maintain containers accumulating hazardous waste in good condition in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.171 with specified changes;

c. Defendant Suraci Paint & Powder failed to maintain containers accumulating hazardous waste closed in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173 with specified changes;



d. Defendant Suraci Paint & Powder failed to provide secondary containment for a hazardous waste storage area in violation of RCSA §22a-449(c)-102(a)(2)(E) incorporating 40 CFR 262.34(a)(1)(i) and 40 CFR 264.175 with specified changes;

e. Defendant Suraci Paint & Powder failed to mark containers accumulating hazardous waste with the words "Hazardous Waste" and provide a description of the contents in violation of RCSA §22a-449(c)-102(a)(2)(J) incorporating 40 CFR 262.34(a)(3) with specified changes;

f. Defendant Suraci Paint & Powder failed to mark containers accumulating hazardous waste with the accumulation start date in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.34(a)(2);

g. Defendant Suraci Paint & Powder failed to obtain a permit prior to storing hazardous waste on-site for greater than 90 days in violation of RCSA §22a-449(c)-102(a)(2)(L) incorporating 40 CFR 262.34(b) with specified changes;

h. Defendant Suraci Paint & Powder failed to obtain an EPA identification number in violation of RCSA §22a-449(c)-102(a)(1) incorporating 40 CFR 262.12(a);

i. Defendant Suraci Paint & Powder failed to maintain a hazardous waste management contingency plan in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) with specified changes;

j. Defendant Suraci Paint & Powder failed to provide personnel with hazardous waste management training in violation of RCSA §22a-449(c)-102(a)(2)(K) incorporating 40 CFR 262.34(a)(4) and 265.16;

k. Defendant Suraci Paint & Powder failed to perform inspections and maintain an inspection schedule and log in violation of RCSA §22a-449(c)-102(b)(2) incorporating 40 CFR 265.15; and

l. Defendant Suraci Paint & Powder failed to properly manage universal waste lamps in violation of RCSA §22a-449(c)-113(a)(2)(G) incorporating 40 CFR 273.13(d).

12. By engaging in all the conduct pleaded in this Count, the Defendant Suraci Paint & Powder has violated the provisions of Connecticut law, including Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

#### **COUNT FOUR**

##### **BRUNO F. SURACI, JR. – SURACI INCORPORATED**

1-10. Paragraph 1 through 10 of COUNT ONE is hereby incorporated by reference as paragraph 1 through 10 of this COUNT FOUR.

11. The Defendant Bruno F. Suraci, Jr. (“Bruno Suraci”) is an Executive Officer of the Defendant Suraci Incorporated.

12. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Incorporated, (ii) has actively participated in running Defendant Suraci Incorporated, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of Defendant Suraci Incorporated, (iv) has had control over the day-to-day operations of Defendant Suraci Incorporated, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT FOUR.

13. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this COUNT FOUR.

14. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is personally liable for the violations pleaded against Defendant Suraci Incorporated, including violations of Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

**COUNT FIVE**

**BRUNO SURACI – SURACI METAL FINISHING**

1. Paragraph 1 of COUNT ONE is hereby incorporated by reference as paragraph 1 of this COUNT FIVE.

2-10. Paragraph 2 through 10 of COUNT TWO is hereby incorporated by reference as paragraph 2 through 10 of this COUNT FIVE.

11. The Defendant Bruno Suraci is the Chief Executive Officer of the Defendant Suraci Metal Finishing.

12. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Metal Finishing, (ii) has actively participated in running Defendant Suraci Metal Finishing, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of Defendant Suraci Metal Finishing, (iv) has had control over the day-to-day operations of Defendant Suraci Metal Finishing, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT FIVE.

13. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this COUNT FIVE.

14. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is personally liable for the violations pleaded against Defendant Suraci Metal Finishing, including violations of Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

**COUNT SIX**

**BRUNO SURACI – SURACI PAINT & POWDER**

1. Paragraph 1 of COUNT ONE is hereby incorporated by reference as paragraph 1 of this COUNT SIX.

2-11. Paragraph 2 through 11 of COUNT THREE is hereby incorporated by reference as paragraph 2 through 11 of this COUNT SIX.

12. The Defendant Bruno Suraci is a manager of the Defendant Suraci Paint & Powder.

13. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Paint & Powder, (ii) has actively participated in running Defendant Suraci Paint & Powder, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of Defendant Suraci Paint & Powder, (iv) has had control over the day-to-day operations of Defendant Suraci Paint & Powder, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT SIX.

14. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this COUNT SIX.

15. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is personally liable for the violations pleaded against Defendant Suraci Paint & Powder, including violations of Conn. Gen. Stat. §22a-449 and Regulations of Connecticut State Agencies governing hazardous waste management.

#### COUNT SEVEN

##### **SURACI INCORPORATED – Air Pollution**

1. The plaintiff is the Commissioner of Energy and Environmental Protection and, as such, is charged with the supervision and enforcement of the statutes of the state of Connecticut respecting the environment, including Chapter 446c of the General Statutes governing air pollution control, and is generally empowered by virtue of § 22a-6(a)(3) of the General Statutes to institute all legal proceedings necessary to enforce statutes, regulations, permits or orders that are administered, adopted, or issued by him.
2. The Defendant Suraci Incorporated (also known as Suraci Corporation) is a corporation organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the "River Street Site").
3. At all times relevant to this Complaint the Defendant Suraci Incorporated operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting, powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.

4. As part of the finishing operation, Defendant Suraci Incorporated operated spray booths at the site that emit volatile organic compounds (“VOCs”).
5. RCSA §22a-174-3a requires any new emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant to apply for and obtain a permit to construct and operate (“New Source Review Permit” or “NSR permit”) prior to beginning actual construction.
6. At least five spray booths at the site have the potential to emit VOC emissions of 152.6 tons per year per spray booth.
7. Each spray has the potential to emit in excess of the 15 tons per year permitting threshold in RCSA §22a-174-3a therefore an NSR permit for each spray booth is required.
8. Defendant Suraci Incorporated failed to apply for nor did it obtain an NSR permit for the spray booths at the site as required by RCSA §22a-174-3a.
9. RCSA §22a-174-33(f) requires the owner or operator of a Title V source to apply for and obtain a Title V permit within 12 months of being subject to RCSA §22a-174-33.
10. RCSA §22a-174-33 requires a Title V permit if a source has a potential to emit volatile organic compounds (“VOC”) of 50 tons or more per year.
11. Defendant Suraci Incorporated is a Title V source as it has potential VOC emissions of approximately 763 tons per year for the entire site.
12. Defendant Suraci Incorporated failed to obtain a Title V permit as required by RCSA §§ 22a-174-33.

13. RCSA §22a-174-23 states in relevant part: “No person shall cause or permit the emission of any substance which creates or contributes to an odor, in the ambient air, that constitutes a nuisance.”

14. On or about November 2, 2010 the Department of Energy and Environmental Protection (“DEEP”) conducted an investigation in response to an odor complaint in the vicinity of the River Street Site.

15. A DEEP investigation on or about November 2, 2010 determined that the Defendant Suraci Incorporated failed to control the emissions of a substance or combination of substances that created or contributed to an odor in the ambient air and created a nuisance.

16. By virtue of the allegations in this COUNT SEVEN the Defendant Suraci Incorporated is in violation of RCSA §§22a-174-3a, 22a-174-23 and 22a-174-33.

### **COUNT EIGHT**

#### **SURACI METAL FINISHING – Air Pollution**

1. Paragraph 1 of COUNT SEVEN is hereby incorporated by reference as paragraph 1 of this COUNT EIGHT.

2. The Defendant Suraci Metal Finishing LLC (“Suraci Metal Finishing”) is a limited liability company organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the “River Street Site”).

3. At all times relevant to this Complaint the Defendant Suraci Metal Finishing operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting,

powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.

4. As part of the finishing operation, Defendant Suraci Metal Finishing operated spray booths at the site that emit volatile organic compounds (“VOCs”).
5. RCSA §22a-174-3a requires any new emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant to apply for and obtain a permit to construct and operate (“New Source Review Permit” or “NSR permit”) prior to beginning actual construction.
6. At least five spray booths at the site have the potential to emit VOC emissions of 152.6 tons per year per spray booth.
7. Each spray has the potential to emit in excess of the 15 tons per year permitting threshold in RCSA §22a-174-3a therefore an NSR permit for each spray booth is required.
8. Defendant Suraci Metal Finishing failed to apply for nor did it obtain an NSR permit for the spray booths at the site.
9. RCSA §22a-174-33(f) requires the owner or operator of a Title V source to apply for and obtain a Title V permit within 12 months of being subject to RCSA §22a-174-33.
10. RCSA §22a-174-33 requires a Title V permit if a source has a potential to emit volatile organic compounds (“VOC”) of 50 tons or more per year.
11. Defendant Suraci Metal Finishing is a Title V source as it has potential VOC emissions of approximately 763 tons per year for the entire site.
12. Defendant Suraci Metal Finishing failed to obtain a Title V permit as required by RCSA §22a-174-33.



13. RCSA §22a-174-23 states in relevant part: “No person shall cause or permit the emission of any substance which creates or contributes to an odor, in the ambient air, that constitutes a nuisance.”

14. On or about November 2, 2010 the Department of Energy and Environmental Protection (“DEEP”) conducted an investigation in response to an odor complaint in the vicinity of the River Street Site.

15. A DEEP investigation on or about November 2, 2010 determined that the Defendant Suraci Metal Finishing failed to control the emissions of a substance or combination of substances that created or contributed to an odor in the ambient air and created a nuisance.

16. By virtue of the allegations in this COUNT EIGHT the Defendant Suraci Metal Finishing is in violation of RCSA §§22a-174-3a, 22a-174-23 and 22a-174-33.

### **COUNT NINE**

#### **SURACI PAINT & POWDER – Air Pollution**

1. Paragraph 1 of COUNT SEVEN is hereby incorporated by reference as paragraph 1 of this COUNT NINE.

2. The Defendant Suraci Paint & Powder Coating, LLC (“Suraci Paint & Powder”) is a limited liability company organized under the laws of the State of Connecticut which has a principal place of business at 90 River Street, New Haven, Connecticut (the “River Street Site”).

3. At some point Defendant Suraci Paint & Powder became the successor in interest to Defendant Suraci Metal Finishing.

4. At all times relevant to this Complaint the Defendant Suraci Paint & Powder operated a metal finishing operation at the River Street Site consisting of sandblasting, spray painting, powder coating, passivating and/or iriditing steel, stainless steel, aluminum, copper, brass and/or bronze parts.
5. As part of the finishing operation, Defendant Suraci Paint & Powder operated spray booths at the site that emit volatile organic compounds (“VOCs”).
6. RCSA §22a-174-3a requires any new emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant to apply for and obtain a permit to construct and operate (“New Source Review Permit” or “NSR permit”) prior to beginning actual construction.
7. At least five spray booths at the site have the potential to emit VOC emissions of 152.6 tons per year per spray booth.
8. Each spray has the potential to emit in excess of the 15 tons per year permitting threshold in RCSA §22a-174-3a therefore an NSR permit for each spray booth is required.
9. Defendant Suraci Paint & Powder failed to apply for nor did it obtain an NSR permit for the spray booths at the site.
10. RCSA §22a-174-33(f) requires the owner or operator of a Title V source to apply for and obtain a Title V permit within 12 months of being subject to RCSA §22a-174-33.
11. RCSA §22a-174-33 requires a Title V permit if a source has a potential to emit volatile organic compounds (“VOC”) of 50 tons or more per year.
12. Defendant Suraci Paint & Powder is a Title V source as it has potential VOC emissions of approximately 763 tons per year for the entire site.

13. Defendant Suraci Paint & Powder failed to obtain a Title V permit as required by RCSA §22a-174-33.

14. RCSA §22a-174-23 states in relevant part: “No person shall cause or permit the emission of any substance which creates or contributes to an odor, in the ambient air, that constitutes a nuisance.”

15. On or about November 2, 2010 the Department of Energy and Environmental Protection (“DEEP”) conducted an investigation in response to an odor complaint in the vicinity of the River Street Site.

16. A DEEP investigation on or about November 2, 2010 determined that the Defendant Suraci Paint & Powder failed to control the emissions of a substance or combination of substances that created or contributed to an odor in the ambient air and created a nuisance.

17. By virtue of the allegations in this COUNT NINE the Defendant Suraci Paint & Powder is in violation of RCSA §§22a-174-3a, 22a-174-23 and 22a-174-33.

#### **COUNT TEN**

##### **BRUNO SURACI – SURACI INCORPORATED – Air Pollution**

1-16. Paragraph 1 through 16 of COUNT SEVEN is hereby incorporated by reference as paragraph 1 through 16 of this COUNT TEN.

17. The Defendant Bruno Suraci is the President of the Defendant Suraci Incorporated.

18. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Incorporated, (ii) has actively participated in running Defendant Suraci Incorporated, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and

the day-to-day operations of Defendant Suraci Incorporated, (iv) has had control over the day-to-day operations of Defendant Suraci Incorporated, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT TEN.

13. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this COUNT TEN.

14. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is personally liable for the violations pleaded against Defendant Suraci Incorporated, including violations of Regulations of Connecticut State Agencies §§22a-174-3a, 22a-174-23 and 22a-174-33.

### **COUNT ELEVEN**

#### **BRUNO SURACI – SURACI METAL FINISHING – Air Pollution**

1. Paragraph 1 of COUNT SEVEN is hereby incorporated by reference as paragraph 1 of this COUNT ELEVEN.

2-16. Paragraph 2 through 16 of COUNT EIGHT is hereby incorporated by reference as paragraph 2 through 16 of this COUNT ELEVEN.

17. The Defendant Bruno Suraci is a manager of the Defendant Suraci Metal Finishing.

18. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Metal Finishing (ii) has actively participated in running Defendant Suraci Metal Finishing, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of Defendant Suraci Metal Finishing (iv) has had control over the day-to-day operations of Defendant Suraci Metal Finishing, and (v) has had the

authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT ELEVEN.

19. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this COUNT ELEVEN.

20. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is personally liable for the violations pleaded against Defendant Suraci Metal finishing, including violations of Regulations of Connecticut State Agencies §§22a-174-3a, 22a-174-23 and 22a-174-33.

## **COUNT TWELVE**

### **BRUNO SURACI – SURACI PAINT & POWDER**

1. Paragraph 1 of COUNT SEVEN is hereby incorporated by reference as paragraph 1 of this COUNT TWELVE.

2-16. Paragraph 2 through 10 of COUNT NINE is hereby incorporated by reference as paragraph 2 through 10 of this COUNT TWELVE.

17. The Defendant Bruno Suraci is a manager of the Defendant Suraci Paint & Powder.

18. Upon information and belief, at all times relevant to this Complaint, Defendant Bruno Suraci (i) has had general and active supervision of the affairs of Defendant Suraci Paint & Powder, (ii) has actively participated in running Defendant Suraci Paint & Powder, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of Defendant Suraci Paint & Powder, (iv) has had control over the day-to-day operations of Defendant Suraci Paint & Powder, and (v) has had the authority to

influence, and did so influence, corporate activities which constitute the allegations of this  
COUNT TWELVE.

19. Defendant Bruno Suraci's actions or inactions facilitated the violations alleged in this  
COUNT TWELVE.

20. By engaging in all the conduct pleaded in this Count, the Defendant Bruno Suraci is  
personally liable for the violations pleaded against Defendant Suraci Incorporated, including  
violations of Regulations of Connecticut State Agencies §§22a-174-3a, 22a-174-23 and 22a-174-  
30.

WHEREFORE, in accordance with Sections 22a-6, 22a-6a, 22a-131, 22a-174, 22a-438 and 22a-449 of the Connecticut General Statutes, the Plaintiff respectfully requests:

1. That the court issue a temporary and permanent injunction prohibiting the defendants, and each of them, from violating any provision of Conn. Gen. Stat. Chapters 445 and 446k concerning the protection of the environment.
2. That the court issue a temporary and permanent injunction requiring the defendants, and each of them, to comply with Section 22a-449(c)-100, et seq., of the Regulations of Connecticut State Agencies relating to hazardous waste management, and Conn. Gen. Stat. Chapters 445 and 446k;
3. That the court issue a temporary and permanent injunction requiring the defendants, and each of them, to comply with Section 22a-174-23, of the Regulations of Connecticut State Agencies relating to air pollution control, and Conn. Gen. Stat. Chapter 446c;
4. That the court issue an order requiring the defendants to pay to the State of Connecticut a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per day to be fixed by the court for each day of each violation pleaded in this Complaint.
5. That the court issue an order holding the defendants jointly and severally liable for any penalty assessed by this court.
6. That the court issue an order requiring the defendants to pay Title V emissions fees not less than \$5000.00 for emissions occurring during the calendar year 2011, in accordance with Section 22a-174-26 of the Regulations of Connecticut State Agencies, and Conn. Gen. Stat. Chapter 446c.
7. That the court issue and order holding the defendants jointly and severally liable for any Title V emissions fees assessed by the court.

8. That the court issue an order holding the defendants, and each of them, liable to the State of Connecticut for the State of Connecticut's reasonable costs and expenses in detecting, investigating, controlling and abating the violations that are the subject of this action.

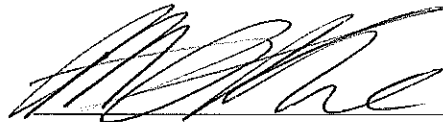
9. That the court order such other relief as is just and equitable to effectuate the purposes of this action.

Dated at Hartford, Connecticut, this *18<sup>th</sup>* day of January, 2013.

DANIEL C. ESTY  
COMMISSIONER OF ENERGY AND  
ENVIRONMENTAL PROTECTION

GEORGE JEPSEN  
ATTORNEY GENERAL

BY:



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Assistant Attorney General  
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Tel. (860) 808-5250  
(860) 808-5386

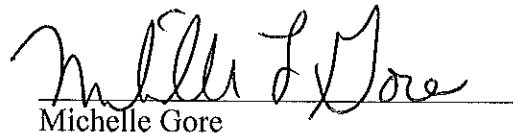


VERIFICATION

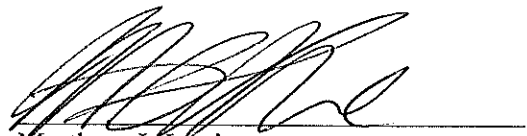
STATE OF CONNECTICUT)  
  )  
COUNTY OF HARTFORD )

ss. Hartford, Connecticut

Personally appeared Michelle Gore, Sanitary Engineer 3, Department of Energy and Environmental Protection the subscriber, and made oath to the truth of the matters contained in COUNTS ONE through SIX in the aforesaid Complaint.

  
Michelle Gore

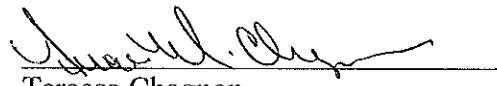
Sworn and subscribed before me on this 18<sup>th</sup> day of January, 2013.

  
Matthew I. Levine  
Commissioner of the Superior Court

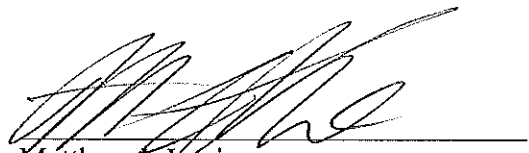
VERIFICATION

STATE OF CONNECTICUT )  
 ) ss. Hartford, Connecticut  
COUNTY OF HARTFORD )

Personally appeared Teraesa Chagnon, Environmental Analyst 3, Department of Energy and Environmental Protection the subscriber, and made oath to the truth of the matters contained COUNTS SEVEN through TWELVE in the aforesaid Complaint.

  
Teraesa Chagnon

Sworn and subscribed before me on this 18<sup>th</sup> day of January, 2013.

  
Matthew I. Levine  
Commissioner of the Superior Court