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November 21, 2005

Mr. Robert C. Isner
Director, Bureau of Waste Management
Waste Engineering and Enforcement Division
Department of Environmental Protection
State of Connecticut
79 Elm Street
Hartford, Connecticut 06106-5127

NOV 2 1 2005

Re: Notice of Violation #WSWDH05081
Danny Corporation

Dear Mr. Isner:

On behalf of our client, Danny Corporation, we are writing to update the Department on the status of obligations pertaining to the subject referenced above. As you are aware, we met with the Department's representatives on October 24, 2005, and at that time you granted a 30-day extension for us to coordinate our responses with the business operator, Metal Management Aerospace (MTLM), and with our client's representatives.

The purpose of this letter is to provide the required Compliance Statement and to describe the corrective actions taken to date along with a schedule for follow up activities. As we stated at the meeting, receipt of the NOV and discussion of the allegations suggested therein were taken very seriously and our client is fully prepared and committed to resolving these matters in an expeditious manner.

The actions initiated to date are detailed below. Considerable time and effort has been made to properly coordinate such actions with MTLM in regard to an identical NOV #WSWDH05080 issued contemporaneously. This level of cooperation is essential to thoroughly address the Department's concerns and both parties are actively engaged.

This written response to the NOV is organized by first repeating the Department's allegations as shown in bold italic text, followed by Danny Corporation's response. Each alleged violation was discussed at the October 24th meeting and Danny Corp's understanding of each item is further clarified in the following response.

1) ***established a solid waste facility where more than ten cubic yards of solid waste have been disposed of without a plan, design, and method of operation of such solid waste facility having been filed with the Department, and without the approval of the Commissioner as required by Section22a-209-4 of the Regulations of Connecticut State Agencies (RCSA), and Sections 22a-208a(b) and 22a-208c of the Connecticut General Statutes (CGS);***

Danny Corp Response:

This alleged violation pertains to the on-site storage of products, materials and/or solid wastes as part of the business operations. This issue has since been responded to in a separate transmittal issued by MTLM on October 21, 2005.

2) ***operated a solid waste facility without the approval of the Commissioner, as required by Section 22a-208a(c) of the CGS;***

Danny Corp Response:

This issue has since been responded to in a separate transmittal issued by MTLM on October 21, 2005.

3) ***created an open dump, in violation of RCSA Section 22a-209-2;***

Danny Corp Response:

This alleged violation pertains to the on-site storage of products, materials and/or solid wastes as part of the business operations. This issue has since been responded to in a separate transmittal issued by MTLM on October 21, 2005.

4) ***created and maintained a facility or condition which can reasonably be expected to create a source of pollution to the waters of the state, in violation of CGS Section 22a-427 by establishing the above facility;***

Danny Corp Response:

This issue was described by the Department's representatives as pertaining to the storage of waste oils in an area referred to as "the West Yard Tanks" and in regard to the oily-water containment system referred to as "the Interceptor Trenches." In addition, the Department identified several storm water management issues that are the subject of a separate NOV issued to MTLM. The West Yard Tank and the Interceptor Trench issues are addressed below.

<u>West Yard Tanks</u>

The Department indicated that the above ground steel storage tanks are not appropriate for the continued storage of waste oils. The Department also stated that the tanks and secondary

containment structure were too close to a nearby storm water catch basin. The Department expressed concern that releases from the tanks and/or containment area could result in waste oil entering the storm water drainage system. While there is no evidence that such a condition has occurred, the Department's representatives explained that the tanks and containment structure will need to be decommissioned and decontaminated in accordance with a work plan approved by U.S. EPA Region 1. A sample of residuals from within the containment structure was obtained by DEP and determined to contain elevated concentrations of PCBs. A copy of the analytical report was faxed by DEP to Weston Solutions, Inc. (Weston) on November 10, 2005.

The West Yard Tanks consist of six (6) above ground storage tanks (ASTs) positioned within a steel-lined containment structure. The tanks are constructed from steel and had been used for the storage of oily-water and waste oils. The smaller tanks were used to separate and decant water from the waste oil. Water removed from the Interceptor Trenches and ASTs was then pretreated at the "Abcor" (on-site) treatment system prior to discharge to the POTW sewer. PCB-laden waste oil was temporarily staged in the larger AST and then periodically removed in drums for off-site disposal at a licensed facility.

The treatment of water removed from the remediation system is permitted by DEP in the Pretreatment Permit ID: SP0000050, and identified therein as "Discharge Serial Number: 001C." The water removed from the trenches has historically been sampled and reported to DEP in monthly *Water Quality Reports* issued by AMI (now MTLM). A summary of more recent PCB results are summarized below.

Date Sampled	Result – Total PCB (ppb)
11/9/2005	<1
5/27/2005	<1
5/27/2004	<1 <1
5/21/2003	<1
1/1/2001	<1

Upon receiving notification about DEP's concerns for the West Yard tanks, MTLM and Danny Corp initiated the following corrective actions;

1) The storage of waste oil at the West Yard Tanks was permanently discontinued;
2) A weather-tight enclosure was mobilized to cover and surround the tanks and containment area thereby eliminating any water accumulation within the secondary containment;
3) Arrangements were made to retain United Oil Services of Meriden to characterize, remove and properly dispose of the liquid tank contents. This work has been completed. DEP personnel were present during these activities.
4) Preparation of a decommissioning work plan was initiated for the removal of residuals and decontamination of the tanks and containment structure. The TSCA work plan will be issued to U.S. EPA Region 1 (EPA), Boston, MA (Attn: Ms. Kim Tisa), with a copy to

the DEP (Attn: Ms. Lori Saliby). Decommissioning of the tanks and containment structure will not proceed until receiving approval from EPA. We anticipate that the work plan will be submitted within 30 days.

Additional updates concerning the corrective actions described above will be provided to the respective DEP staff as they become available.

Interceptor Trenches

A brief overview concerning the site background, hydrogeology, interceptor trench design and functionality was provided by Danny Corp's representatives at the October 24th meeting. In summary, the Interceptor Trenches were built to contain oily-water seepage encountered at two locations along the eastern property boundary. The Work was completed as part of Consent Order WC4921 issued by the Department. All plans and specifications were reviewed and approved by the Department prior to field work. After construction and an initial monitoring/maintenance period, the Consent Order was closed out with compliance noted by the DEP Commissioner.

The Interceptor Trenches have been regularly monitored and maintained, initially by Aerospace Metals Inc. (AMI) and thereafter by MTLM. Maintenance includes the periodic inspection of the pumping systems and removal of the oily-water collected within the Interceptor Trench sumps. Monitoring includes a twice annual inspection of the eastern property boundary, including the Interceptor Trench locations. The inspections are documented in an annual letter to DEP. The maintenance and monitoring of the Interceptor Trenches has been ongoing since 1991. At no time since construction of the Interceptor Trenches has oily-water seepage been observed along the eastern property boundary. The bottom of the interceptor trenches were positioned slightly into the clay layer and elevations were compared to the drainage swales along the eastern boundary to verify that the seepage is captured by the trenches and does not pass beneath.

Historical reporting by AMI (then MTLM) to DEP included monthly *Water Quality Reports*. These reports also documented the water and oil test results associated with operation of the Interceptor Trench systems. The reports included periodic PCB results for water (historically <1 ppb) and the waste oil (historically between 100 and 350 ppm). The waste oil was characterized prior to disposal and manifested.

DEP's representatives expressed several concerns at the October 24th meeting about the collection, handling and storage of the PCB-laden oily-water at the Interceptor Trenches. These concerns included the following;

- Proper training for the staff involved with maintenance of the systems;
- Dedicated equipment for handling and storage of the waste oil;
- Questions concerning investigations taken to locate the source(s) of oily-water seepage and actions to remove;
- Suggestions to consider an automated pumping system for removal of the oil fraction collected in the sumps; and

- Installation of dedicated waste storage for the PCB-laden oil.

Danny Corp's representatives provided an overview of the investigations completed to date and the difficulties associated with removal of the source(s) of the oily-water source areas. Besides the irregular topography of the underlying low permeability clay layer (beneath the fill material), previous subsurface investigations (including mostly test pits, Geo-probe borings and trenching) have not been successful at identifying a defined source(s). The area directly west of the interceptor trenches is a high traffic and busy operational area including the main entrance roadway and adjacent loading docks. As such, the potential interferences to ongoing business operations must be considered along with buried utilities that exist in the vicinity. Subsurface testing has been conducted between the APS Building and trenches to assess seepage conditions given its proximity to the former PCB remediation area (circa 1986).

To initially address DEP's concerns about the Interceptor Trenches, the following activities have been completed or are ongoing:

1) Inspection and maintenance of the Interceptor Trench systems is being done by representatives from United Oil Services (United) using dedicated equipment. This was initiated during early September and continues to date;
2) Samples were collected and analyzed to confirm that the water fraction removed from the Interceptor Trenches is < 1 ppb for PCBs;
3) The floating oil collected at the Interceptor Trenches is removed using dedicated pumping (i.e., "skimming") equipment and staged in drums placed on secondary containment pallets. Almost all of the oil collected comes from the north Interceptor Trench. This work is done by United on a weekly basis. Personal protective equipment and supplies (solids) are also staged in drums prior to final disposal. This interim procedure removes more water than is optimal, but is anticipated to be a temporary measure until a more efficient and perhaps automated system can be designed and installed.
4) The sump pump used for removing water at the south Interceptor Trench recently malfunctioned and has since been removed and replaced by a new dedicated pump. This work was done by United. Water removed from both trenches continues to be pumped to the on site Abcor pretreatment system prior to discharge according to the sewer permit.
5) Evaluation of automated oil skimming and/or separation equipment is ongoing by Weston, to determine the feasibility of removing the oil fraction to a dedicated AST and thereby eliminate the need for weekly maintenance by United.
6) Evaluation of a permanent oil storage area either using a dedicated AST or drum storage area is underway.
7) Evaluation of alternative investigatory techniques, such as a passive soil gas survey, subsurface trenching or other geophysical methods is being considered to extend the previous remedial investigations at locations in closer proximity to the Buildings and adjacent structures. Assessment of buried utilities and implications to the ongoing metal recycling operations is necessary.

Several of the above listed activities require coordination and review of information with equipment vendors and with MTLM. A work plan will be prepared to address these recommendations and submitted to DEP within 45 days.

5) ***failed to perform hazardous waste determinations for all waste streams as required by Section 22a-449(c)-102(a)(2)(A) of RCSA, which incorporates by reference 40 CFR 262.11 with specified changes;***

Danny Corp Response:

This alleged violation pertains to the on-site storage of hazardous wastes as part of the business operations. This issue has since been responded to in a separate transmittal issued by MTLM on October 21, 2005.

6) ***failed to manage/handle used oil generated at the site in a manner consistent with the applicable requirements under Section 22a-119(a) of the RCSA, which incorporates by reference 40 CFR 279 with specified changes;***

Danny Corp Response:

To the extent that this alleged violation pertains to the containment of oily-water collected from the Interceptor Trenches, the appropriate corrective actions have been described in response to item No. 4 above. In regard to the management and handling of other waste oil used on site, this is the responsibility of the business operator, MTLM.

7) ***failed to immediately report a discharge, spill, loss, seepage or filtration of an oil or petroleum or chemical liquid to the Commissioner as required by Section 22a-450 of the CGS. There is evidence of many spill occurrences in addition to the spill of caustic cleaner on August 21, 2005; and***

Danny Corp Response:

This alleged violation pertains to the on-site storage of hazardous wastes as part of the business operations. This issue has since been responded to in a separate transmittal issued by MTLM on October 21, 2005.

8) ***committed an unauthorized disposal of PCB's. On August 31, 2005, the staff from the PCB Program conducted an inspection and sampling at 500 Flatbush Avenue in Hartford. Results of that sampling indicate the presence of PCB's in sediment at outfall No. 2 and inside a containment berm at the site. These conditions constitute an unauthorized disposal in violation of Section 22a-467 of the CGS.***

Danny Corp Response:

At the October 24, 2005 meeting, DEP representatives indicated that they had obtained a sediment sample from Outfall location No. 2. A copy of this data report was faxed by DEP to Weston on October 24, 2005. The PCB result was 1.92 ppm. A copy of the data report for a sample collected within the West Yard secondary containment was faxed by DEP to Weston on November 10, 2005. The PCB result was 71.57 ppm.

The PCB-laden residuals within the West Yard secondary containment are currently covered and will be removed as part of the tank decommissioning plan which is being prepared and requires EPA approval. Additional testing and investigation of the Outfall data result will be performed to delineate the contamination and remediate, as appropriate. This work is anticipated to be completed within the next 30 days.

9) ***failed to provide compliant methods of release detection for an underground storage tank and its integral piping system ("UST system") [referring to the 6,000-gallon diesel fuel system registered as B23R1 on the Form EPHM-6, dated July 10, 1998 and signed by Eugene M. Klein], constituting violations of the RCSA Sections 22a- 449(d) 101-113, subsections 104(c) and 104(e) specifically.***

Danny Corp Response:

Regarding the 6,000-gallon diesel fuel system, it is our understanding that MTLM is in the process of removing it and replacing it with an above-ground tank.

This concludes the initial responses to the NOV issued to Danny Corporation and attached to this document is the Compliance Statement. Please contact me at (860) 521–7004 should you have any questions. We look forward to resolving these matters with the Department in a manner and schedule that is mutually agreeable.

Sincerely,

Alan M. Kosloff, Esq.
Counsel for Danny Corporation

Attachments: Compliance Statement

cc: M. Suisman, Danny Corporation
D. Johnson, Esq., Murtha Cullina, Richter & Pinney
T. Walles, Weston Solutions, Inc.
E. Phillips, Robinson & Cole

COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You *(if an individual-the individual signs); (if a Corp. or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies)*; or *(if a municipality-chief elected official or principal executive officer)* **and** (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the staff contact identified on the Notice of Violation.

Notice of Violation No. WSWDH05081
Danny Corp.
~~P.O. Box 370099~~ 50 Orchard Rd
West Hartford, CT ~~06137-0099~~ 06117

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violations have been corrected in the following manner:

VIOLATION(S)	CORRECTION(S)
1) established a solid waste facility where more than ten cubic yards of solid waste have been disposed of without a plan, design and method of operation of such solid waste facility; 2) operated a solid waste facility without the approval of the Commissioner; 3) created an open dump; 4) created and maintained a facility or condition which can reasonably be expected to create a source of pollution to the waters of the state; 5) failed to perform hazardous waste determinations for all waste streams; 6) failed to manage/handle used oil generated at the site in a manner consistent with the applicable requirements of 40 CFR 279; 7) failed to immediately report a discharge, spill, loss, seepage or filtration of an oil or petroleum or chemical liquid to the Comissioner; 8) committed an unauthorized disposal of PCB's; and 9) failed to provide compliant methods of release detection for an underground storage tank and its integral piping system.	Please see attached letter from Attorney Alan Kosloff.

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certification of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

11-18-05
Date

Signature

(860) 521-3111
Telephone

Michael Suisman, President
(Type name and Title)

50 Orchard Rd. West Hartford, CT 06117
Address

11-21-05
Date

Preparer's Signature, if different than the above

(860) 521-7004
Telephone

ALAN M. KOSLOFF, LEGAL COUNSEL FOR DANRY CORP.
(Type name and Title)

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Address WEST HARTFORD, CT 06107