



# Connecticut Department of Energy and Environmental Protection



# Enforcement Case Overview

R&R Corrugated Container – Waste  
Abandonment

ABC Senior Living Center - Voluntary Self-Policing

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Hazardous Waste Advisory Committee Meeting / Goodwin College –  
East Hartford



Connecticut Department of Energy and Environmental Protection

# Case Example1: R&R Corrugated Container– Waste Abandonment

## Background:

- 8/09, (52) 55-gallons drums abandoned at 9 sites in 4 towns
- ERSPD responded, CSAO opened case, DEEP/WEED supported
- Investigation quickly determined that drums came from R&R Corrugated, a box manufacturer in nearby town
  - Based on shipping labels found on several drums at the various sites
- Analysis of abandoned wastes identified 7 drums as RCRA Hazardous corrosive/acidic waste (other drums contained oils, dyes, water mixtures and chemical residues)



# Case Example1: R&R Corrugated Container – Waste Abandonment

## Clean-up & Prosecution:

- Emergency response, characterization, disposal and clean-up costs of approximately \$85,000 paid by R&R Corrugated
- State recommended a harsh sentence. Public defenders for Klepps and Sims emphasized that their clients were acting at direction of company owner
- Thorough two-year criminal investigation of owner did not prove his direction occurred
- Judge concluded Klepps and Sims violated law, but believed defendants acted as instructed by their boss



# Case Example1: R&R Corrugated Container – Waste Abandonment

## Outcome:

- Company pays unnecessary costs totaling \$85,000 when compliance would have been much cheaper verses abandonment of waste
- Sentence imposed on each defendant for conviction on 15 separate counts:
  - 2 years suspended time, consecutive
  - 3 years probation, consecutive
  - \$5,000 penalty
  - 100 hours of community service
- Company has since notified as a CESQG



## Case Example2 – Voluntary Self Reporting/Disclosure

### “ABC” Senior Living Center, CT

#### Background:

- A continuing care retirement community with numerous units is acquired November 2011.
- Company submits through retained counsel a voluntary self disclosure for issues found through a due diligence program at the facility.
- Discovered a written policy instructing staff to mix unused medicine with shampoo and/or cat litter followed by the burial of the mixture at the facility.
- Mixtures of unused medicine of less than five gallons each were buried on three occasions at the site between June 2010 through July 2011.
- Company retained a consultant, concluded that unused medicine including potentially Warfarin (P001) and other hazardous waste pharmaceuticals presumably could have buried.



## Case Example 2 – Voluntary Self Reporting/Disclosure

### “ABC” Senior Living Center, CT

#### Corrective Action:

- Company’s consultant identified locations of buried material, excavated materials and surrounding soils and handled as hazardous waste for proper disposal.
- Consultant concluded minimal-to-no risk of contamination from the material having migrated to the surrounding area, verified conclusion, through a well survey investigation, and that all properties within 500 feet of the facility were served by a public water utility.
- Company revised pharmaceutical waste disposal policy and submitted to DEEP for review.
- DEEP takes no enforcement based on compliance with the self disclosure policy.



## Case Example 2 – Voluntary Self Reporting/Disclosure

### “ABC” Senior Living Center, CT

#### Outcome :

- Improper management of waste pharmaceuticals resulted in potential risk to environment, substantial expenditure by facility for legal counsel, consultants, site investigation/remediation and well survey, disposal of larger volumes on RCRA wastes, and lost time and unnecessary anxiety by facility management
- Environment protected and facility liability minimized through prudent use of [Policy on Incentives for Self-Policing](http://www.ct.gov/dep/lib/dep/enforcement/policies/incentivesforselfpolicingpolicy.pdf)
- No enforcement action taken by DEEP



# Compliance Assistance Resources

- Compliance Assistance (“COMPASS”):
  - Hotline: 1-888-424-4193
  - Webpage: <http://www.ct.gov/DEEP/COMPASS>
  - HW Advisory Committee & Training: [www.ct.gov/DEEP/HWAC](http://www.ct.gov/DEEP/HWAC) (sign up to listserv)
- Online RCRA training tool web link:
  - [http://www.ct.gov/dep/cwp/view.asp?a=2689&q=481076&depNav\\_GID=1967](http://www.ct.gov/dep/cwp/view.asp?a=2689&q=481076&depNav_GID=1967)
- Generator Information
  - SQG handbook web link:  
[http://www.ct.gov/dep/lib/dep/compliance\\_assistance/manuals\\_guidelines/sqguide.pdf](http://www.ct.gov/dep/lib/dep/compliance_assistance/manuals_guidelines/sqguide.pdf)
  - CESQG Handbook web link:  
[http://www.ct.gov/dep/lib/dep/waste\\_management\\_and\\_disposal/hazardous\\_waste/cesqghandbook.pdf](http://www.ct.gov/dep/lib/dep/waste_management_and_disposal/hazardous_waste/cesqghandbook.pdf)
  - RCRA Help web link: <http://www.ct.gov/DEEP/RCRAHelp>

