

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

ENVIRONMENTAL COURT
Docket No.

SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES,
Plaintiff

v.

MARTIN BORAKOVE,
SHARON SCHEIRER,
DAVID GOLDSMITH,
RALPH HERBERT,
CROCKETT SCREENWORKS, LTD.,
CROCKETT COLLECTION, INC.
Respondents

ADMINISTRATIVE ORDER

Having found that Crockett Screenworks, LTD., and Crockett Collection, Inc., and their officers Martin Borakove, Sharon Scheirer, David Goldsmith, and Ralph Herbert (Respondents) have committed violations as defined in 10 V.S.A. § 8002(9), the Secretary (Secretary) of the Agency of Natural Resources (Agency), pursuant to the authority set forth in 10 V.S.A. § 8008, hereby issues the following Administrative Order:

VIOLATIONS

- i. 10 V.S.A. §6616 – release of hazardous material into the surface or groundwater, or onto the land of the state.
- ii. Section 7-105(b) of the VHWMR – failure to engage the services of an environmental consultant and submit a work plan for the investigation and remediation of the site.

STATEMENT OF FACTS

1. Respondents leased property in the Manchester Industrial Park, Route 7, Manchester, Vermont.
2. On December 8, 1999, Carolyn Desch (Desch), an inspector in the Waste Management Division (WMD) of the Vermont Agency of Natural Resources, conducted a complaint investigation at the above site.
3. During the inspection, Desch observed five 55-gallon drums stored on the property leased by Respondents.
4. Desch visually inspected the drums. The drums were in various stages of rusting, with two showing visible holes. Stained soil, indicating a release, was observed underneath and between two of the drums. Respondent Borakove told Desch that the leaking drums contained parts cleaning solvent which is a hazardous waste.
5. The leaking drums were located in the source protection area of the Manchester Mobile Home Park Public Community water system (WSID #5023).
6. On February 2, 2000, the Waste Management Division (WMD) issued a Notice of Alleged Violation (NOAV) to Respondents Martin Borakove and Crockett Collection, Inc. The NOAV directed the Respondents to file a Notification of Regulated Waste Activity Form (notification form), remove the drums of hazardous waste, and to hire an environmental consultant to conduct an assessment to define the nature, degree and extent of any environmental contamination.
7. On March 31, 2000, the WMD received notice that 4 drums were shipped offsite for disposal on March 20, 2000.
8. On May 23, 2000, the WMD issued a NOAV to the Respondents Borakov and Crockett Collection, Inc. The NOAV directed the Respondents to provide the

WMD, within ten days of the date of the NOAV, written certification that an environmental consultant had been retained to conduct an assessment of the site.

9. As of the date of this Administrative Order Respondents have not provided written certification that an environmental consultant has been retained to conduct the environmental assessment.
10. By allowing the release of hazardous waste/material onto the land of the state Respondents violated 10 V.S.A. §6616.
11. By failing to have an environmental consultant perform an assessment of environmental contamination, Respondents violated Section 7-105(b) of the VHWMR.

ORDER

Upon the receipt of this Administrative Order, the Respondents shall:

- A. Pay a penalty of \$ 12,500.00 within thirty (30) calendar days of issuance of this Administrative Order by the Secretary. Such penalty payment shall be made payable to the Treasurer, State of Vermont and forwarded to the Enforcement Division, Department of Environmental Conservation, 103 South Main Street, 2 South, Waterbury, Vermont 05671-0410.
- B. Within ten (10) calendar days of issuance of this Administrative Order by the Secretary, provide written certification to the Agency that an environmental consultant approved by the Agency has been retained to investigate the release.
- C. Within twenty-five (25) calendar days of issuance of this Administrative Order by the Secretary, require the retained consultant to submit to the Agency a work plan and schedule for the investigation and if necessary the remediation of the hazardous waste released into the environment.

- D. Upon approval of the work plan by the Agency, Respondents shall implement the work plan. All investigation and remediation shall be completed no later than one-hundred and eighty (180) calendar days from date the plan is approved by the Agency.

RESPONDENTS' RIGHT TO A HEARING BEFORE
THE ENVIRONMENTAL LAW DIVISION

The Respondents have the right to request a hearing on this Administrative Order before the Environmental Law Division under 10 V.S.A. § 8012 by filing a Notice of Request for Hearing within fifteen (15) days of the date the Respondents receive this Administrative Order. The Respondents must timely file a Notice of Request for Hearing with both the Secretary and the Environmental Law Division at the following addresses:

1. Secretary, Agency of Natural Resources
c/o Enforcement Division, 2 South
103 South Main Street
Waterbury, VT 05671-0410

2. Clerk, Environmental Law Division
73 Main Street, Suite 400
Montpelier, VT 05602

EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

This Administrative Order shall become effective on the date it is received by the Respondents unless the Respondents file a Notice of Request for Hearing within fifteen (15) days of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondents shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Law Division. If the Respondents do not make a timely filing of

a Notice of Request for Hearing, this Administrative Order shall become a final Administrative Order.

COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

If the Respondents fail or refuse to comply with the conditions of a final Administrative Order, the Secretary shall have cause to initiate an enforcement action against the Respondents pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated at Waterbury, Vermont this 25th day of September 2000.

SECRETARY, AGENCY OF NATURAL RESOURCES

BY: Canute E. Dalmasse
Canute E. Dalmasse, Commissioner
Department of Environmental Conservation