

By: Bruno Suraci Jr.

A little over three years ago the CT. DEEP visited my company saying an ex employee had called them and made a complaint. My environmental officer (HSE) met with the inspectors and allowed them to investigate without hindrance. I was not concerned at the time because I knew our company was compliant and even ahead of most in our industry; I made it part of our business plan annually to be green, and to annually look to reduce our environmental footprint. This meant that we recycled all our materials, reclaimed all our heat from our ovens, captured rain water to use as makeup in our systems, and evaporate and reclaim used soaps in our cleaning process. This equaled zero waste discharge, and meant that we created little to no hazardous waste. I also employed an outside consultant along with our own HSE officer who we paid substantially to ensure we stayed compliant and environmentally green as our businesses grew. So I was confident that we had no issues and would even be congratulated on how good we were.

After the inspectors did their initial inspection they asked to meet with me, which I did along with my HSE Officer. They informed me that we might have a few issues but nothing we couldn't correct easily. I told them that I would do whatever they asked and that I was all about keeping our environment clean and safe. One Inspector said to me he was concerned that all our material marked for recycling should be hazardous waste (he called it speculative), and if I agreed to redesignate them as such they would make this inspection report painless. They made it clear if I chose to challenge them on that point that they had the ability to close my business down and levy huge fines but if I worked with them this would go quickly and without issues.

I met with my experts and they all agreed that what we had was without a doubt, recyclable material, but the CT DEEP was worse than the IRS and if provoked could essentially destroy us without remorse. Giving those facts I agreed to redesignate all our recyclable materials as Hazardous waste and scheduled to shipping it out. We informed the inspectors that we would agree to do what they asked. They then asked us to go through our warehouse and dispose of any paints we had that were older than one year. They said since you have a shipment going out it would be a good time to do this and once again they made the suggestion as if we didn't have a choice. So we did and threw out 100's of gallons of very good paint for no reason. At a huge loss to us giving most of those paints cost in excess of 75.00 per gallon.

We soon found out why they asked us to do all this. By agreeing to redesignate good materials and recyclables as waste we pushed our company into what is known as a Large Quantity Generator Status (LQG). Prior to this we were what is known as an exempt status company. With this new status we suddenly found ourselves out of compliance since LQG companies are required to follow much stricter standards and requirements. We were then issued what is known as a NOV (Notice of Violation).

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NOVs are good for the DEEP this allows them to levy fines and penalties. We went from non-waste generator to this new position in a few weeks, all because of the CT DEEP instance to redesignate. For the next three years we hired one consultant after another spending over 440k in attorneys, consultants and environmental upgrades.

This was in a time when the economy was taking a down turn and pressure from out of state competition was increasing. Most of our business was done with out of state businesses, meaning we brought "*new money*" into the state. This is good for CT we were bringing in Millions of dollars into CT's economy, creating 100's of jobs in an empowerment zone and paying 100's of thousands in taxes to the city and state. On the day the CT DEEP walked through our door we employed one hundred and thirdly seven employees in our New Haven Facility and thirdly five in our second facility. We infused over eight million dollars a year into the local economy, in a HUB Zone, and in an area where businesses were fleeing. We invested more than four million into our facility, which was an empty abandoned building when we bought it from the city. This fight has cost the state more than hundred and eighty jobs, millions in loss taxes and revenues, and a viable manufacturing company located in an area where they are far and few between now.

We did everything we could to settle but the State would not have it. Their goal as stated by the inspectors, after we complied was to close us down. The inspectors would tell our employees that they should find new jobs, they told me my kids would be working for the DEEP when they were done, they told my customer's that if they did work with us they may be investigated. All this was documented and we reached out to everyone in the State, Gov. Malloy, ECD, State Rep. for help. My attorneys, consultants and employees couldn't understand why we were being so obviously targeted and harassed by the CT DEEP. I was repeatedly asked whom did you upset because this doesn't make sense. Then one day on what was another of our monthly surprise inspections by the CT DEEP, the inspector slipped while gloating and it all made sense. He said with a big smile "You have to be careful who you fire, you never know who they know" It turns out he was a good friend of an employee we let go, an employee who vowed to close us down when we challenged and won our unemployment case against him.

All at once it made sense and we informed the DEEP of this conflict and they said they were aware of it but it didn't change the fact that we were not compliant. Our attorneys asked to have him removed from our case but they refused. They soon sent in a second department at the CT DEEP who started a whole new investigation. This time it was the CT DEEP Air compliance division. They knew it was a witch-hunt and admitted to it but said they had to follow orders. My consultant and I gave them all our documentation, which proved we were compliant and well below any thresholds for the state. They said that they had to NOV us no matter what we provided that they had no choice. Stunned by this revelation and almost completely out of money, I was left with the harsh reality that no matter what I spent or did I

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was never going to win or this fight. It wasn't about whether or not we were compliant; it was about gaining the largest fine they could conjure up along with revenge and over use of unfettered power.

My attorney and I met with the Assistant AG assigned our case and he made it clear that there would be no negotiation. He said in his words "He (Bruno Suraci) is rich with millions in assets and money in the Cayman Island." He also stated he knew I was rich because I had a IPhone and a nice watch and the state would not settle for anything less than what they asked for. I refuted this absurd claim and said please show me these accounts so I can claim my money but I was never giving that information. My attorney told me that we could fight them but their goal was to run me out of money and after all the money we spent to date it would cost at least another 100 to 150k to continue the fight. I was told if I spent the money we would most likely win our cases and maybe have to pay a small fine for some minor issues but I would need the money to fight.

I met with my family to discuss our options and we decided with heavy hearts that the company I built from nothing, out of my dad's barn 23 years ago was not going to make it. And to fight for principle was not going to be worth going into additional debt. At that point we decided to abandoned the case and let the state get their judgment unchallenged. This is an empty win on their part since if they agreed to settle we would have paid 54k in fines over a few years and rebuilt the company. Instead the State will get nothing since there is nothing left. I was forced to liquidate most of the business's unencumbered assets over the term of the battle with the DEEP, to fund all the cost. I was left with no liquid assets both personally or in business. The state gets no future tax income, most of our employees that loss their jobs due to this fight are still unemployed and on State's unemployment, and a business that would have generated at least a 160 million over the next 20 years for the local economy will not. (Conservative estimate assuming no growth in business for that duration).

What the state gets is a "Headline" for fines they know cant be collected. The cost for that headline to the state, to the families that depended on those jobs and a city that needed manufacturing growth is incalculable. All against a business that never spilt any waste, dumped waste or misused waste. It never made a negative impact on the environment i.e. oil spills and those who intestinally dispose waste into water ways and sewers. Now an owner of that business who is unfairly branded as a bad environmental person. This same owner that drives an electric car, bough the first hybrid car when it came out, who built and helps run an organic farm here in CT. Who recycled all its company's waste when it was cheaper to just dispose of it but believed it was the right thing to do for the environment. Is left in ruins and with no desire to rebuild left with the only choice to completely close or relocate to a business friendly state near by.

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In the dust of all this, a small company remains with a hand full of employees who's future here in CT is probably coming to an end. I have been told my only mistake was I operated a business here in CT. There is a reason why businesses are fleeing what is now ranked by Wall street Journal and Forbes Magazine as one of the worse states to do business in the country. My story is a big part of that reason and I'm not sure if there is anything we can do to change that fact.

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Some additional info:

- That inspector that was friends with the employee would take his lunch in front of our building on several occasions and waved to our employees as they left for lunch, intimidating them. He walked into our Plainville facility, which was a totally different company with no issues and told our employees he would shut down that company. He copied work in progress information off our operations board and told a customer who was there looking at his work that he would be closing all our companies down and if his company did business with us his company could be looked at by the state DEEP. That customer pulled their business from us and within a few weeks we had to close that plant down and lay off all the employees. This is just a few of the egregious acts and behavior by the State's DEEP during this dispute.
- That ex employee had also called the DOT, DOL, OSHA along with the DEEP filing complaints. We endured two DOL audits without issues, DOT inspection with no issues and minor OSHA fines across my companies. None of these fines were for what that employee accused us of being in violation.
- The CT DEEP has us now as an exempt company and agrees we have complied with all request in our Haz waste NOV's.
- CT DEEP had only asked for 54k in fines but the AAG upped that to 750k.
- Similar alleged violations by CT companies brought fines less than 25k. A quick Google search will show those fines for a Hamden Company and Stanford Business.