UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

July 24, 2012

BY HAND

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency-Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Re: Sargent Manufacturing Company
Docket No. RCRA-01-2012-0044

Dear Ms. Santiago:

Enclosed are an original and one copy of the Complaint and Certificate of Service for filing with respect to the above-captioned matter.

Kindly file the documents in the usual manner. Thanks very much for your help.

Sincerely,

Christine M. Foot

Christine M. Foot
Enforcement Counsel

Enclosures

cc: Thanasis Molokotos, President, Sargent Manufacturing Co.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NEW ENGLAND REGION
BEFORE THE ADMINISTRATOR

In the Matter of:	
SARGENT MANUFACTURING CO. 100 Sargent Drive New Haven, Connecticut 06511	ADMINISTRATIVE COMPLAINT COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING
EPA ID No. CTD056748205	EPA DOCKET NO. RCRA-01-2012-0044
Proceeding under Section 3008(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)	

I. STATEMENT OF AUTHORITY

1. This Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") is filed pursuant to Section 3008(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The Complainant ("Complainant") is the Legal Enforcement Manager of the Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1 ("EPA").

2. The Respondent, Sargent Manufacturing Company ("Sargent" or "Respondent"), is hereby notified of EPA's determination that it has violated Section 3002 of RCRA, 42 U.S.C. § 6922; the regulations promulgated thereunder at 40 C.F.R. Parts 262 and 265; and the Connecticut Hazardous Waste Management Regulations, codified at the Regulations of Connecticut State Agencies ("RCSA") Sections 22a-449(c)-100 through 110. Complainant hereby provides notice of Respondent's opportunity to request a hearing concerning this allegation.

3. Notice of commencement of this action has been given to the State of Connecticut pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. The information requested in this Complaint is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*

II. NATURE OF ACTION

5. This Complaint seeks to obtain civil penalties and compliance with RCRA and is issued pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e. Specifically, Complainant seeks civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for Respondent's violations of the federal and state hazardous waste regulations promulgated pursuant to RCRA. Complainant also seeks compliance under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), to ensure that Respondent complies with various violated regulations.

III. RCRA STATUTORY AND REGULATORY FRAMEWORK

6. Congress enacted RCRA on October 21, 1976, and amended it thereafter by, among other acts, the Hazardous and Solid Waste Amendments of 1984. RCRA established a program for the management of hazardous wastes, to be administered by the Administrator of EPA. The

regulations promulgated by the Administrator are codified at 40 C.F.R. Parts 260 through 271.

7. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator may authorize a state to administer the RCRA hazardous waste program *in lieu* of the federal program when the Administrator deems the state program to be substantially equivalent to the federal program.

8. On April 21, 1982 and June 10, 1983, EPA granted the State of Connecticut interim authorization under Section 3006 of RCRA to carry out certain portions of the RCRA hazardous waste management program in Connecticut. This interim authorization lapsed on January 31, 1986. Effective December 31, 1990, EPA granted Connecticut final authorization to administer its hazardous waste program in lieu of the federal government's base RCRA program, including the regulation of mixed waste. *See* 55 Fed. Reg. 51,707 (Dec. 17, 1990). Effective September 28, 2004, EPA granted final authorization to Connecticut for revisions to its hazardous waste program that would allow it to meet updated EPA requirements. *See* 69 Fed. Reg. 57,842 (Sept. 28, 2004).

9. The authority for the Connecticut hazardous waste program is set out at Chapter 22a of the Connecticut General Statutes, with implementing regulations promulgated as the Hazardous Waste Management Regulations, Sections 22a-449(c)-100 through 110, 22a-449(c)-119, and 22a-449(c)-11 of the RCSA.

10. As amended, Section 3006 of RCRA, 42 U.S.C. § 6926, provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA (Sections 3001–3023), 42 U.S.C. §§ 6921–6939e. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of

RCRA. Pursuant to Sections 3006(g), 3008(a), and 3008(g) of RCRA, 42 U.S.C. §§ 6926(g), 6928(a), and 6928(g), the Administrator may enforce violations of any requirement of Subtitle C of RCRA, including the federally approved Connecticut hazardous waste program and any federal regulations promulgated pursuant to the Hazardous and Solid Waste Amendments of 1984 for which the State did not receive authorization, by issuing orders requiring compliance immediately or within a specified time.

11. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as amended, provides for the assessment of a civil penalty not to exceed $25,000 per day of noncompliance for each violation of the requirements of Subtitle C of RCRA by issuing an order assessing a civil penalty for any past or current violation of RCRA and requiring immediate compliance. In accordance with the Civil Monetary Penalty Inflation Adjustment Rules, the maximum civil penalty was increased to $32,500 per day for each violation occurring from March 16, 2005 through January 12, 2009, *see* 69 Fed. Reg. 7,121 (Feb. 13, 2004). The maximum penalty per day per violation occurring after January 12, 2009 is $37,500. 73 Fed. Reg. 75,340 (Dec. 11, 2008).

IV. FINDINGS OF FACT

12. Respondent is a corporation organized under the laws of the State of Delaware and has a door hardware manufacturing facility located at 100 Sargent Road, New Haven, Connecticut 06511 ("Facility"). Accordingly, Sargent is a "person" as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

13. At all times relevant to this Complaint, Respondent was an "owner" and/or "operator" of the Facility, as defined in 40 C.F.R. § 260.10.

14. On or about August 4, 1980, the Respondent notified the Connecticut Department of

Environmental Protection (now the Connecticut Department of Energy and Environmental Protection) that Sargent was operating as a large quantity generator of hazardous waste by submitting a Notification of Hazardous Waste Activity pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930.

15. At all times relevant to this Complaint, Respondent generated "solid wastes," as defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), 40 C.F.R. §§ 260.10 and 261.2, and RCSA Section 22a-449(c)-100(b)(2).

16. At all times relevant to this Complaint, at least some of the wastes that Respondent generated were "hazardous wastes" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 40 C.F.R. §§ 260.10 and 261.3.

17. At all times relevant to this Complaint, Respondent has been and is a "generator" of hazardous waste, within the meaning of RCSA Section 22a-449(c)-102(c).

18. Respondent, therefore, is subject to the federal and state standards applicable to generators of hazardous waste found at Section 3001 *et seq.* of RCRA, 42 U.S.C. § 6921 *et seq.*, the federal regulations promulgated at 40 C.F.R. Parts 260-271 and 279, and RCSA Sections 22a-449(c)-100 through 110, 22a-449(c)-119, and 22a-449(c)-11.

19. On March 29, 2011, duly authorized representatives of EPA conducted a RCRA compliance evaluation inspection at the Facility ("Inspection"). During the Inspection, EPA personnel observed that Respondent uses a variety of chemicals and generates wastes at the Facility that are "hazardous wastes," as defined under Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and Section 22a-449(c)-101 of the RCSA, incorporating 40 C.F.R. Part 261,

including: metal hydroxide sludge; filters contaminated with cyanide, zinc, chromium, and acid copper bath waste; corrosive liquid waste from coolants and lubricants; waste oil with lead from oil separator sludge; and other paint, plating, powder coating, and buffing wastes.

20. Respondent has not obtained a permit under the provisions of 40 C.F.R. Part 270, nor does it have interim status, to operate as a treatment, storage, or disposal facility.

21. During the Inspection, EPA observed conditions at the Facility and reviewed various documents supplied by the Respondent, including (but not necessarily limited to) hazardous waste inspection logs, training records, a Contingency Plan, and hazardous waste manifests. EPA also reviewed information provided to it by Sargent after the Inspection, including lab-pack container content sheets, manifests and bills of lading, Land Disposal Restriction forms dated March 25, 2011, photographs of the hazardous waste storage area ("HWSA") and of new drums, a material safety data sheet for acid salt solution, an emergency telephone number list, training records, and an evacuation map.

V. VIOLATIONS

22. Based on EPA's Inspection of the Facility and review of documentation contained in EPA's and Respondent's files, the following violations were identified.

COUNT I – Failure to Segregate Containers of Incompatible Hazardous Waste

23. Paragraphs 1 through 22 are incorporated by reference as if fully set forth herein.

24. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(E), a generator must comply with 40 C.F.R. § 262.34(a)(1)(i). Pursuant to 40 C.F.R. § 262.34(a)(1)(i), a generator may accumulate hazardous waste on-site for up to 90 days without a permit or interim status provided that, among other things, the generator complies with Subpart I of 40 C.F.R. Part 265, which includes 40

C.F.R. § 265.177. Pursuant to 40 C.F.R. § 265.177(c), a container holding a hazardous waste that is incompatible with any waste or other materials stored nearby must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

25. At the time of the Inspection, Respondent was storing containers of hazardous waste adjacent to containers of incompatible wastes in the HWSA without adequate segregation. Specifically, Respondent was storing two 55-gallon containers, labeled as containing sodium fluoride, on a wooden pallet, and two 55-gallon containers, labeled as containing hydrochloric acid, that were stacked directly above them on an upper pallet. Respondent was also storing four more 55-gallon containers labeled as containing hydrochloric acid in close proximity to the containers containing sodium fluoride without sufficient segregation: two on a lower pallet immediately adjacent to the sodium fluoride containers and two on an upper pallet stacked directly above them. Appendix V of 40 C.F.R. Part 265 provides examples of potentially incompatible materials that should not be stored together, including spent acids with sodium. The comingling of hydrochloric acid and sodium fluoride can trigger a fire or an explosion, or it can generate flammable hydrogen gas.

26. Respondent's failure to keep incompatible wastes separated from each other by means of a dike, berm, wall, or other device constitutes a violation of Section 3002 of RCRA and RCSA Section 22a-449(c)-102(a)(2)(E), incorporating by reference 40 C.F.R. § 262.34(a)(1)(i), which requires compliance with 40 C.F.R. § 265.177(c).

COUNT II – <u>Failure to Have an Adequate Hazardous Waste Training Program</u>

27. Paragraphs 1 through 26 are incorporated by reference as if fully set forth herein.

28. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(K), a generator must comply with 40 C.F.R. § 262.34(a)(4), which incorporates by reference the requirements of 40 C.F.R. § 265.16. Pursuant to 40 C.F.R. § 265.16, a generator of hazardous waste must ensure that all facility personnel who manage hazardous waste complete a training program that teaches them to perform their duties in a way that ensures the facility's compliance with hazardous waste management regulatory requirements. The program must be directed by a person trained in hazardous waste management procedures and must include instruction in hazardous waste management procedures, including contingency plan implementation, relevant to the position in which the employee is employed. Personnel may not work in unsupervised positions until they have such training, and they must receive it within six months of starting their position. They must also receive annual training refresher courses. The facility must maintain documents identifying the job title for each position involving hazardous waste management and include the names of the employees performing each of those roles, and the facility must keep training records reflecting the completion of the required training for personnel for three years after they leave.

29. At the time of the Inspection, Sargent personnel who manage hazardous waste had not received the required RCRA hazardous waste training. Timothy Gazda serves as the Emergency Coordinator and had conducted the in-house hazardous waste training for the maintenance staff, waste water treatment staff, and plating staff since 1998. However, documentation identifying Facility personnel who had received RCRA training in recent years did not indicate that Mr. Gazda had received RCRA hazardous waste training, nor that he had received any annual refreshers for at least the years 2008, 2009, and 2010. At the Inspection, Mr. Gazda indicated

that he was scheduled to receive RCRA training in June 2011. The Facility's documentation also did not indicate that Gary Gionet, who acts as the alternate Emergency Coordinator, had received RCRA hazardous waste training for at least the years 2008, 2009, and 2010. Additionally, while Respondent's training plan contained a list of positions with descriptions of their associated hazardous waste duties, it did not include a list of employees filling those roles.

30. Respondent's failure to ensure that its employees with hazardous waste management responsibilities received adequate hazardous waste management training and its failure to maintain adequate training documents constitute violations of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires compliance with 40 C.F.R. § 265.16.

COUNT III – Failure to Close Containers of Hazardous Waste

31. Paragraphs 1 through 30 are incorporated by reference as if fully set forth herein.

32. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(M), a generator must comply with 40 C.F.R. § 262.34(c)(1)(i). Pursuant to 40 C.F.R. § 262.34(c)(1)(i), a generator of hazardous waste may accumulate up to fifty-five (55) gallons of hazardous waste at or near a point of generation (in other words, a "satellite accumulation area" or "SAA") without a permit or interim status if the containers of hazardous waste are managed in accordance with certain requirements, including those at 40 C.F.R. § 265.173(a). Pursuant to 40 C.F.R. § 265.173(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

33. At the time of Inspection, Respondent was storing, near the carbon treatment tank in the

plating department, one open container labeled "RQ, Hazardous Waste, Solid, N.O.S., (Lead, Cadmium), 9, NA3077, PGIII" and "D006, D008," and another open container labeled "Hazardous Waste, Solid, N.O.S., (Chromium), 9, NA3077, PGIII" and "D007." In an adjacent hallway, Respondent was also storing one open container dated "2/19/2011" and labeled "Hazardous Waste Solid, N.O.S., (contains chromium), 9, PGIII, NA3077" and "D007." Respondent was also storing one open container labeled "RQ, Hazardous Waste, Solid, N.O.S., (Lead, Cadmium), 9, NA3077, PGIII" near the hoist line in the stripping department, one open container labeled "Corrosive Liquid, Acidic, Inorganic, N.O.S., 8, UN 3260, PGIII (copper sulfate, sulfuric acid)" and "D002" near the copper bronze line, and one open cardboard tote with a label that included "Hazardous Waste, Solid, N.O.S., UN 3077" and "F006" in the wastewater treatment unit area.

34. Respondent's failure to close six containers of hazardous waste accumulated at SAAs constitutes a violation of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(2)(M), incorporating by reference 40 C.F.R. § 262.34(c)(1)(i), which requires compliance with 40 C.F.R. § 265.173(a).

COUNT IV – <u>Failure to Maintain Adequate Aisle Space</u>

35. Paragraphs 1 through 34 are incorporated by reference as if fully set forth herein.

36. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(K), a generator must comply with 40 C.F.R. § 262.34(a)(4). Pursuant to 40 C.F.R. § 262.34(a)(4), a generator may accumulate hazardous waste on-site for up to 90 days without a permit or interim status provided that, among other things, the generator complies with Subpart C of 40 C.F.R. Part 265, which includes 40 C.F.R. § 265.35. Pursuant to 40 C.F.R. § 265.35, a generator of hazardous waste must maintain

aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of those purposes.

37. At the time of the Inspection, Respondent was storing approximately seventy-two (72) containers of hazardous waste in the HWSA. In one aisle, the space between the rows, which together housed twenty-six (26) containers, was less than approximately 18 inches. This space would not allow for the unobstructed movement of personnel or equipment during an emergency.

38. Respondent's failure to maintain adequate aisle space between rows of containers of hazardous waste in the HWSA constitutes a violation of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires compliance with 40 C.F.R. § 265.35.

COUNT V – Failure to Mark Containers with the Beginning Accumulation Date

39. Paragraphs 1 through 38 are incorporated by reference as if fully set forth herein.

40. Pursuant to RCSA Section 22a-449(c)-102(a)(1), a generator must comply with 40 C.F.R. § 262.34(a)(2). Pursuant to 40 C.F.R. § 262.34(a)(2), a generator may accumulate hazardous waste on-site for up to 90 days without a permit or interim status provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

41. At the time of the Inspection, Respondent was storing one one-gallon container in the HWSA that was labeled "Waste Mercury Compounds, Solid, N.O.S., UN 2025, PGII, 8, (Mercury Chloride)" but was not marked with the date that accumulation began. Respondent

was also storing one 55-gallon container in the HWSA that was labeled "Waste Flammable Liquids, Corrosive, NOS, UN2924, PGII, 3, 8," "Combustible, Corrosive," and "D001, D002, D035" that was not marked with the date that accumulation began.

42. Respondent's failure to mark the accumulation start-dates on two containers of hazardous waste stored in the HWSA constitutes a violation of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(1), incorporating by reference 40 C.F.R. § 262.34(a)(2).

COUNT VI – Failure to Update and Submit Revised Contingency Plan to Local Authorities

43. Paragraphs 1 through 42 are incorporated by reference as if fully set forth herein.

44. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(K), a generator must comply with 40 C.F.R. § 262.34(a)(4). Pursuant to 40 C.F.R. § 262.34(a)(4), a generator may accumulate hazardous waste on-site for up to 90 days without a permit or interim status provided that, among other things, the generator complies with Subpart D of 40 C.F.R. Part 265, which includes 40 C.F.R. §§ 265.52 and 265.53. A generator of hazardous waste is required, pursuant to 40 C.F.R. § 265.51, to have a contingency plan for the facility that is designed to prevent and minimize hazards to people and the environment from fires, explosions, spills, or other releases of hazardous waste. The elements of the contingency plan are outlined in 40 C.F.R. § 265.52, and include requirements to describe arrangements with local response authorities in case of emergency, list up-to-date contact information for all emergency coordinators, contain an up-to-date list and description of all emergency equipment on-site, and include an evacuation plan. Pursuant to 40 C.F.R. § 265.53(b), the generator of hazardous waste must maintain a copy of the contingency plan at the facility and submit copies of the contingency plan, and any revisions thereto, to all local police departments, fire departments, hospitals, and State and local

emergency response teams that may be called upon to provide emergency services.

45. Respondent had submitted a contingency plan dated June 15, 2004 to the Connecticut State Police, New Haven Police and Fire Departments and local hospitals. Respondent partially revised its contingency plan on September 16, 2008, making changes and notations to the following sections: Section 2.2 - Significant Chemical Storage; Section 2.3 – MSDS Information; Section 3.0 - Emergency Coordinator; Section 4.7; Section 4.8; Section 4.12.A - Communication Equipment and Alarms; Section 4.13.B - Fire Control Equipment; Section 4.14.A - Spill Control Equipment; Section 4.14.B; Section 4.14.C; Section 4.15 – PPE; Section 4.16 - Emergency Power; Section 4.17 - Fire Extinguishment; Section 5.0 - Evacuation Plan; Section 5.3 - Evacuation Monitors; Section 5.4 - Evacuation Plan Exits; and Section 6.2 - Specific Chemical Control and Containment Procedures; and Emergency Telephone Numbers. At the time of the Inspection, Respondent had not submitted the revised contingency plan, dated September 16, 2008, to any of the required authorities.

46. Further, some of the notations contained within the revised contingency plan dated September 16, 2008 indicated that the revision was incomplete and not up-to-date. In Section 4.7, the name of the emergency response contractor "Earth Technology" and its telephone number were crossed out and the name "Alpine Environmental" was written in, but the new contractor's telephone number was not included. Section 4.13.B - Fire Control Equipment stated: "The general locations of fire extinguishers are noted on the Site Plan attached to this plan." However, a handwritten notation stated: "Get dwg. from Luis DeJesus!" and a Site Plan depicting the general locations of the fire extinguishers was not attached to this plan. The

handwritten notation "update" was next to the list of absorbent materials and pumps under Section 4.14.A Spill Control Equipment, but this information was not updated. The notation "Detail out all spill kits. See [illegible] SPCC plan" was handwritten in Section 4.14.B, but the spill kit information was not detailed nor was the SPCC plan combined with the RCRA contingency plan to form an integrated contingency plan as provided for in 40 C.F.R. § 265.52(b). Under Section 4.15 - Personnel Protective Equipment, the notation "Check & update" was added in handwriting, but the equipment list was not updated. In Section 4.17 - Fire Extinguishment, the words "Get drawings from Luis D" were handwritten, in apparent reference to a site plan depicting the general locations of fire extinguishers and fire hoses, but no such site plan was attached to the contingency plan. Under Section 5.0 - Evacuation Plan, the notation "See John Danco for the latest plan 8/16/08" was written, but the referenced revised evacuation plan was not included in the contingency plan. The entire list of monitors in Section 5.3 - Evacuation Monitors was crossed out, and the word "update" was handwritten next to it, but no updated list of monitors was included. Similarly, the entire plan within Section 5.4 - Evacuation Plan Exits was crossed out but not replaced. Under both Section 6.2 - Specific Chemical Control and Containment Procedures and the "Emergency Telephone Numbers" page, the emergency response contractor was changed from Earth Technology to Alpine Environmental, but the contractor's telephone number was not crossed out or updated. Also, the notation "See SPCC Plan Emergency Phone List" was handwritten on the "Emergency Telephone Numbers" page, but the SPCC was not attached nor was the SPCC plan combined with the RCRA contingency plan to form an integrated contingency plan as provided for in 40 C.F.R. § 265.52(b).

47. Respondent's failure to have an up-to-date contingency plan and to submit the revised

contingency plan to the required local authorities constitute violations of Section 3002 of RCRA and RCSA 22a-449(c)-102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires compliance with 40 C.F.R. §§ 265.52 and 265.53.

COUNT VII – Failure to Manage Hazardous Waste in Accordance with the Requirements for a Satellite Accumulation Area

48. Paragraphs 1 through 47 are incorporated by reference as if fully set forth herein.

49. Pursuant to RCSA Sections 22a-449(c)-102(a)(1), (a)(2)(M), and (a)(2)(N), a generator must comply with 40 C.F.R. § 262.34(c). Under 40 C.F.R. § 262.34(c)(1), a generator may accumulate as much as 55 gallons of hazardous waste in an SAA without complying with the requirements for a less-than-90-day storage area at 40 C.F.R. § 262.34(a), provided that the waste is under the control of the operator of the generating process and that the generator complies with the other requirements of that subsection. However, pursuant to 40 C.F.R. § 262.34(c)(2), when amounts in excess of the allowance accumulate, the generator must mark the container holding the excess waste with the date upon which the excess accumulation began. The generator must also, within three days, begin managing the excess waste in accordance with the requirements for a less-than-90-day storage area at 40 C.F.R. § 262.34(a), including conducting weekly inspections and having an adequate containment system per 40 C.F.R. § 264.175, as applied by RCSA Section 22a-449(c)-102(a)(2)(E).

50. At the time of the Inspection, EPA inspectors observed one full 55-gallon container dated "2/19/2011" and labeled "Hazardous Waste Solid, N.O.S., (contains chromium), 9, PGIII, NA3077" and "D007" located in the hallway adjacent to the Utilite Automatic Line SAA. Less than two feet away were three partially full 55-gallon containers, one labeled "RQ, Hazardous

Waste, Solid, N.O.S., (Lead, Cadmium), 9, NA3077, PGIII" and "D006, D008," another labeled "Hazardous Waste, Solid, N.O.S., (Chromium), 9, NA3077, PGIII" and "D007," and another labeled "Waste Caustic Alkali Liquid, UN1719."

51. Respondent's accumulation of hazardous waste in excess of 55 gallons in an SAA without managing the excess in accordance with the requirements for a less-than-90-day storage area constitutes a violation of Section 3002 of RCRA and RCSA 22a-449(c)-102(a)(1) and (a)(2)(E), incorporating by reference 40 C.F.R. §§ 262.34(c)(2) and 262.34(a)(1)(i), respectively.

VI. ORDER

52. Based on the foregoing findings, Respondent is hereby **ORDERED** to achieve and maintain compliance with all applicable requirements of RCRA and the RCSA hazardous waste management regulations, specifically including compliance with the following requirements:

a. Immediately upon receipt of this Complaint, Respondent shall segregate all incompatible wastes and materials, including those in the HWSA, and implement management standards to ensure that all incompatible wastes and materials are kept separated from each other by means of a dike, berm, wall, or other device, in accordance RCSA Section 22a-449(c)-102(a)(2)(E), 40 C.F.R. § 262.34(a)(1)(i), and 40 C.F.R. § 265.177(c);

b. Within sixty (60) days of receipt of this Complaint, and annually thereafter, Respondent shall provide hazardous waste management training to all employees at the Facility with hazardous waste management responsibilities and maintain the required documents and records, in accordance with RCSA Section 22a-449(c)102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. § 265.16;

c. Within thirty (30) days of receipt of this Complaint, Respondent shall update the contingency plan and submit the revised contingency plan, and any subsequent revisions thereto, to the required authorities and emergency responders in accordance with RCSA 22a-449(c)-102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. §§ 265.52 and 265.53;

d. Immediately upon receipt of this Complaint, Respondent shall provide adequate aisle space between containers of hazardous waste in the HWSA, in accordance with RCSA Section 22a-449(c)102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. § 265.35.

e. Immediately upon receipt of this Complaint, Respondent shall date, close, and otherwise manage all hazardous waste identified at the Facility in accordance with federal and state standards, including: RCSA Section 22a-449(c)102(a)(1) and (a)(2)(M), 40 C.F.R. § 262.34(a) and (c), and 40 C.F.R. § 265.173(a).

53. Within sixty-five (65) days of receipt of this Complaint, Respondent shall submit to Complainant written confirmation of its compliance (accompanied by a copy of any appropriate supporting documentation) or noncompliance with the requirements set forth in paragraph 52 above. Any notice of noncompliance required under this paragraph shall state the reasons for the noncompliance and when compliance is expected. Notice of noncompliance will in no way excuse the noncompliance. Respondent shall submit the above required information and notices to:

Linda Brolin
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES05-1
Boston, Massachusetts 02109-3912

and

Christine Foot, Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

54. If Respondent fails to comply with the requirements of this Complaint within the time specified, Section 3008(c) of RCRA, 42 U.S.C. § 6928, provides for further enforcement action in which EPA may seek the imposition of additional penalties of up to $37,500 for each day of continued noncompliance.

55. This Complaint shall become effective immediately upon receipt by Respondent.

56. In accordance with 40 C.F.R. § 22.37(b), this Order shall automatically become a final order unless, no later than 30 days after the Order is served, the Respondent requests a hearing pursuant to 40 C.F.R. § 22.15.

VII. PROPOSED PENALTY

57. Based on the nature, circumstances, extent, and gravity of the above-cited violations, a civil penalty in the amount of $64,495 is hereby proposed to be assessed against Respondent (see Attachment A to this Complaint explaining the reasoning for this penalty). The proposed civil

penalty has been determined in accordance with Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). In determining the amount of any penalty to be assessed, Section 3008(a) of RCRA requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. To develop the proposed penalty for the alleged violations in this Complaint, Complainant has taken into account the particular facts and circumstances of this case with specific reference to EPA's "RCRA Civil Penalty Policy," dated June 2003 ("Penalty Policy"). A copy of the Penalty Policy is enclosed with this Complaint. This policy provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors identified above to a particular case.

51. By this Complaint, Complainant seeks to assess Respondent the following civil penalties:

COUNT	PENALTY
1. Failure to Segregate Containers of Incompatible Hazardous Waste	$24,790
2. Failure to Have an Adequate Hazardous Waste Training Program	$14,775
3. Failure to Close Containers of Hazardous Waste	$5,670
4. Failure to Maintain Adequate Aisle Space	$9,210
5. Failure to Mark Containers with the Beginning Accumulation Date	$430
6. Failure to Update and Submit Revised Contingency Plan to Local Authorities	$9,210
7. Failure to Manage Hazardous Waste in Accordance with the Requirements for a Satellite Accumulation Area	$430
TOTAL PROPOSED PENALTY	**$64,495**

52. Payment of the penalty may be made by a cashier's or certified check, payable to the

Treasurer, United States of America. Respondent should note on this check the docket number of this Complaint (EPA Docket No. RCRA-01-2012-0044). The check should be forwarded to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and copies of the check should be forwarded to:

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

and

Christine Foot, Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

VIII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING AND FILE AN ANSWER

53. As provided by Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and in accordance with 40 C.F.R. § 22.14 of the Consolidated Rules of Practice, Respondent has the right to request a hearing on any material fact alleged in this Complaint, or on the appropriateness of the proposed penalty or compliance order. Any such hearing would be conducted in accordance with 40 C.F.R. Part 22, a copy of which is provided with this Complaint. **A request for a hearing must be incorporated into a written Answer filed with the Regional Hearing Clerk within thirty**

(30) days of receipt of this Complaint.

54. In its Answer, Respondent may contest any material fact contained in the Complaint. The Answer shall directly admit, deny, or explain each of the factual allegations contained in the Complaint and shall state: (1) the circumstances or arguments alleged to constitute the grounds of defense; (2) the facts Respondent intends to place at issue; and, (3) whether a hearing is requested. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. Any failure of Respondent to admit, deny, or explain any material fact contained in the Complaint constitutes an admission of that allegation. If Respondent denies any material fact or raises any affirmative defense, Respondent will be considered to have requested a hearing. *See* 40 C.F.R. § 22.15 of the Consolidated Rules of Practice for the required contents of an Answer.

55. Respondent shall send the Answer to the Regional Hearing Clerk at the following address:

Wanda I. Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Respondent shall serve copies of the Answer, and any other documents submitted in this proceeding, to Complainant's counsel at the following address:

Christine Foot, Enforcement Counsel
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

IX. DEFAULT ORDER

56. If Respondent fails to file a timely Answer to the Complaint, Respondent may be found to be in default pursuant to 40 C.F.R. § 22.17. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations under Section 3008 of RCRA, 42 U.S.C. § 6928. In addition, default will preclude Respondent from thereafter obtaining adjudicative review of any of the provisions contained in the Compliance Order section of the Complaint.

X. SETTLEMENT CONFERENCE

57. Whether or not a hearing is requested upon filing an answer, Respondent may confer informally with EPA concerning the alleged violations. Such conference provides Respondent with an opportunity to provide whatever additional information may be relevant to the disposition of this matter. In addition, where circumstances so warrant, a recommendation that any or all of the charges be dropped may be made to the Regional Judicial Officer. Any settlement shall be made final by the issuance of a written Consent Agreement and Final Order by the Regional Judicial Officer, EPA Region I. The issuance of such a Consent Agreement shall constitute a waiver of Respondent's right to a hearing on any issues of law, fact, or discretion included in the Agreement.

58. Please note that a request for an informal settlement conference does not extend the thirty (30) day period within which a written Answer must be submitted in order to avoid default. To explore the possibility of settlement in this matter, Respondent should contact Christine Foot, Enforcement Counsel, Office of Environmental Stewardship, EPA Region 1, at the address cited above, at (617) 918-1333, or at foot.christine@epa.gov. Ms. Foot has been designated to

represent Complainant in this matter and is authorized, under 40 C.F.R. § 22.5(c)(4), to receive service on behalf of Complainant.

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

7/24/12
Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint, Compliance Order, and Notice of Opportunity for a Hearing has been sent to the following persons on the date noted below:

Original and one copy,
hand-delivered:

Ms. Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Copy of Complaint (with the Consolidated Rules of Practice and Penalty Policy), first class mail, return receipt requested:

Mr. Thanasis Molokotos
Sargent Manufacturing
110 Sargent Drive
New Haven, Connecticut 06511

Dated: 7/24/12

Christine M. Foot

Christine Foot, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912
Phone: 617-918-1333
Fax: 617-918-0333
E-mail: foot.christine@epa.gov

ATTACHMENT A

In the Matter of Sargent Manufacturing, Co.
RCRA-01-2012-0044
Explanation of Proposed Penalty

The following represents the penalty calculation and justification for Sargent Manufacturing ("Sargent") located in New Haven, Connecticut, addressing violations of certain requirements of the Standards Applicable to Generators of Hazardous Waste, Section 3002 of the Resource Conservation and Recovery Act of 1976 ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, 42 U.S.C. § 6622(a), the federal regulations promulgated thereunder at 40 C.F.R. Parts 262 and 265, and the Connecticut Hazardous Waste Management Regulations, codified at Regulations of Connecticut State Agencies ("RCSA") 22a-449(c)-100 and 22a-449(c)-110.

The gravity-based penalty herein was calculated in accordance with the RCRA Civil Penalty Policy, dated June 23, 2003 ("Penalty Policy"), as revised on September 21, 2004, and in accordance with the Civil Monetary Inflation Adjustment Rules, which became effective on March 15, 2004 and January 13, 2009. Adjustment factors examined by EPA in determining the amount of the proposed penalty include: economic benefit of noncompliance; history of non-compliance; the degree of willfulness or negligence; good faith efforts; and other unique factors.

The alleged violations are based upon observations made by inspectors from the U.S. Environmental Protection Agency ("EPA") Compliance Evaluation Inspection ("Inspection") conducted at the Sargent facility on March 29, 2011 and on information submitted to EPA by Sargent.

The following violations have been documented and are included in the Complaint issued pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), against Sargent:

1. **Failure to Segregate Containers of Incompatible Hazardous Waste**

Provision Violated – RCSA § 22a-449(c)-102(a)(2)(E) and 40 C.F.R. § 265.177(c), as applied through 40 C.F.R. § 262.34(a)(1)(i).

At the time of the Inspection, the incompatible wastes hydrochloric acid and sodium fluoride were observed to be stored in close proximity without adequate segregation within the hazardous waste storage area ("HWSA").

Potential for Harm[1] - Major

The purpose of this regulation is to prevent fires, explosions, gaseous emissions, leaching or other discharge of hazardous waste or hazardous waste constituents. Sargent's failure to segregate spent hydrochloric acid and sodium fluoride posed or may have posed a substantial risk of exposure of humans and the environment to releases of hazardous waste

[1] When determining the gravity-based portion of the penalty for a violation in accordance with the Penalty Policy, EPA considers two factors: the violation's potential for harm and its extent of deviation from the requirements.

at the facility. If the containers were to break or leak, the mixing of these incompatible wastes could lead to a reaction, such as fire or explosion, or the generation of flammable hydrogen gas.

Extent of Deviation - Moderate

Sargent's failure to separate these containers of incompatible waste deviated significantly from the requirements of the regulations. The violation involved eight 55-gallon containers of waste that were incompatible. Together, the total volume of hazardous waste in these containers is 440 gallons, representing a significant volume of waste that could be released. The extent of the deviation is moderate.

Penalty Assessment:

EPA has determined that Sargent's violation of this requirement warrants a classification of Major/Moderate.

Matrix Cell Range (gravity-based penalty): $21,250 - $28,330
Penalty Amount Chosen: $24,790 (mid-point)[2]

Total Penalty Amount: $24,790

2. Failure to Have an Adequate Hazardous Waste Training Program

Provision Violated – RCSA § 22a-449(c)-102(a)(2)(K) and 40 C.F.R. § 265.16, as applied through 40 C.F.R. § 262.34(a)(4).

At the time of the Inspection, Respondent had failed to ensure that necessary Sargent personnel received the required RCRA training and had failed to maintain adequate training documents.

Potential for Harm - Moderate

Sargent's failure to have an adequate training program in place posed or may have posed a significant risk of exposure of humans or other environmental receptors to hazardous waste. Because Mr. Gazda is responsible for giving the in-house hazardous waste training to Sargent personnel, his lack of RCRA training increases the likelihood that wastes generated by Sargent may not be properly managed. Additionally, Mr. Gionet would be responsible to act as the alternate Emergency Coordinator in Mr. Gazda's absence and would be responsible for responding to emergencies involving hazardous waste. The Emergency Coordinator needs to be familiar with all aspects of the contingency plan, all

[2] Factors such as the sensitivity of the receptor environment or population, seriousness of the violation (as compared to other violations in the same matrix cell), size and sophistication of the company, efforts to remediate the violation, number of days of the violation, and other relevant factors specific to the violation are considered in determining the appropriate selection within the matrix cell for all components of the gravity-based penalty throughout this justification. When no extenuating circumstances warrant selection of either the high or the low end of the matrix cell range, the mid-point is selected.

operations and activities at the facility, the location and characteristics of wastes handled at the facility, the location of all records, and the facility layout. Mr. Gionet's lack of RCRA training increases the likelihood that he may not be able to adequately coordinate all emergency response measures in the event of being the Acting Emergency Coordinator. The potential for harm for these training violations is moderate because the agenda of the hazardous waste training given by Mr. Gazda in 2008, 2009, and 2010 indicates that he had knowledge of the RCRA requirements despite not having received training. Further, Mr. Gionet is the alternate and not the primary Emergency Coordinator, lessening the risk posed by this deficiency. The potential for harm is, therefore, moderate.

Extent of Deviation - Moderate

Sargent's failure to have an adequate RCRA training program represents a significant deviation from the RCRA requirements. Mr. Gazda, Environmental Manager and the person responsible for training the other employees managing hazardous waste, had not received RCRA training by the time of the inspection. Mr. Gary Gionet, the alternate person responsible for coordination in the event of an emergency did not receive annual RCRA training. However, Sargent's training documentation indicated that the other necessary personnel had received the required training. The extent of deviation is moderate.

Penalty Assessment:

EPA has determined that Sargent's violation of this requirement warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): $6,448 - $10,315[3]
Penalty Amount Chosen: $8,382 (mid-point)

Multiple/Multi-day Assessment
In accordance with Section A.3. on page 22 of the Penalty Policy, EPA has chosen to treat multiple violations of the training requirements as multi-day violations because of the number and similarity of the violations, rather than assessing each failure to comply as a full gravity-based penalty. In accordance with the Penalty Policy, a full gravity-based penalty is assessed for Mr. Gazda's lack of RCRA training for 2008. Multi-day penalties are applied for Mr. Gazda's lack of annual training in 2009 and 2010, and for Mr. Gionet's lack of RCRA training for the years 2008, 2009, and 2010.

First violation for Mr. Gazda for 2008	$8,382
Multi-day penalty for Mr. Gionet for 2008	$1,193[4]
Multi-day penalties for Mr. Gazda for 2009 and 2010, and Mr. Gionet for 2009 and 2010 (4 x $1,295)	$5,180

[3] Because Mr. Gazda's first training violation is being assessed for the year 2008, EPA used the penalty range from the 2005 Revised Penalty Matrix, which applies to violations occurring after March 15, 2004 but before January 13, 2009.
[4] Again, the penalty range for this 2008 violation was selected from the 2005 Revised Penalty Matrices for multiples. A moderate/moderate violation and the mid-point of the range was selected for this and the other multiples.

Total Penalty Amount: $14,755

3. **Failure to Close Containers of Hazardous Waste**

Provision violated – RCSA § 22a-449(c)-102(a)(2)(M) and 40 C.F.R. § 265.173(a), as applied through 40 C.F.R. § 262.34(c)(1)(i).

At the time of the Inspection, Sargent was storing five (5) satellite containers in the plating and stripping departments and one (1) satellite container in the wastewater treatment area that were not closed.

Potential for Harm - Moderate

Sargent's failure to close these containers posed or may have posed a significant risk of human or environmental exposure to hazardous waste. Keeping containers closed minimizes emissions of volatile wastes, helps protect ignitable or reactive wastes from sources of ignition or reaction, helps prevent spills, reduces the potential of mixing incompatible wastes, and prevents direct contact of personnel with hazardous wastes. The potential for harm is moderate.

Extent of Deviation - Minor

Sargent's failure to close these containers of hazardous waste in satellite accumulation areas deviates somewhat from the requirements of the regulations. These containers represent a small portion of the all of the hazardous waste containers at the facility that were subject to the closed container requirement. The extent of the deviation is minor.

Penalty Assessment:

EPA has determined that Sargent's violation of this requirement warrants a classification of Moderate/Minor.

Matrix Cell Range (gravity-based penalty): $4,250 - $7,090
Penalty Amount Chosen: $5,670 (mid-point)

Total Penalty Amount: $5,670

4. **Failure to Maintain Adequate Aisle Space**

Provision violated – RCSA § 22a-449(c)-102(a)(2)(K) and 40 C.F.R. § 265.35, as applied through 40 C.F.R. § 262.34(a)(4).

At the time of the Inspection, there were approximately seventy-two (72) containers of hazardous waste in the HWSA. In one aisle, the space between the rows of containers, which housed 26 containers, was not adequate (estimated to be fewer than 18 inches). The inspectors could not access or get close enough to read the hazardous waste labels on several containers.

Potential for Harm - Moderate

Sargent's storage of hazardous wastes without adequate aisle space posed or may have posed a significant risk to human health and the environment. The timely and effective access by response personnel and equipment to the containers would be hampered in an emergency, increasing the likelihood that wastes from any of these containers would be released to the immediate area. There is also significant regulatory harm associated with the failure to provide adequate aisle space in the hazardous waste storage area because inspectors cannot determine what is in the containers if they cannot get close enough to read the labels.

Extent of Deviation - Moderate

Sargent's storage of hazardous waste in the HWSA without adequate aisle space deviates significantly from the regulatory requirement. The twenty-six (26) containers of hazardous waste stored by Sargent at the time of the inspection in these two rows represents a moderate amount of the seventy-two (72) hazardous waste containers subject to the hazardous waste storage requirements. The extent of the deviation is moderate.

Penalty Assessment:
EPA has determined that Sargent's violation of this requirement warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): $7,090 - $11,330
Penalty Amount Chosen: $9,210 (mid-point)

Total Penalty Amount: $9,210

5. Failure to Mark Containers with the Beginning Accumulation Date

Provision violated – RCSA § 22a-449(c)-102(a)(1) and 40 C.F.R. § 262.34(a)(2).

At the time of the Inspection, EPA inspectors observed two (2) containers that were not labeled with accumulation dates in the HWSA.

Potential for Harm - Minor

Sargent's failure to date these two (2) containers of hazardous waste with the accumulation start-date posed or may have posed a risk of harm to the environment by increasing the risk of a release of hazardous waste. Without a clearly marked accumulation date on a container, it is not possible for Sargent or EPA to determine exactly how long waste had been in storage. Therefore, there is an increased potential to accumulate hazardous waste for periods of time longer than 90 days. Exceeding this timeframe is problematic because Sargent's existing HWSA is not designed, operated, or permitted for long term hazardous waste storage, and because doing so would subject the facility to the requirements for a treatment, storage, or disposal facility. The longer waste is stored without the additional requirements of a permitted facility, the greater the chance of release to the environment. Further, by failing to mark these containers with accumulation start-dates, inspectors are

not able to assess compliance with the regulations. However, the potential for harm for this violation has been determined to be minor because Sargent's manifest records indicate regular shipments of the hazardous wastes in these two (2) containers.

Extent of Deviation - Minor

Sargent's failure to mark two (2) containers storing hazardous waste with an accumulation date involved a small percentage of the seventy-two (72) hazardous waste containers that were subject to the accumulation date requirement. The extent of deviation is, therefore, minor.

Penalty Assessment:
EPA has determined that Sargent's violation of this requirement warrants a classification of Minor/Minor.

Matrix Cell Range (gravity-based penalty): $150 - $710
Penalty Amount Chosen: $430 (mid-point)

Total Penalty Amount: $430

6. Failure to Update and Submit Revised Contingency Plan to Local Authorities

Provision Violated – RCSA § 22a-449(c)-102(a)(2)(K) and 40 C.F.R. §§ 265.52 & 265.53, as applied through 40 C.F.R. § 262.34(a)(4).

At the time of the inspection, Sargent had not fully updated and had not submitted the revised RCRA contingency plan to the local authorities. The contingency plan dated June 15, 2004 was distributed to the Connecticut State Police, New Haven Police and Fire Departments and local hospitals. However, the partially revised plan, dated September 16, 2008, was not fully up-to-date and was not distributed to the above listed local authorities.

Potential for Harm - Moderate

Sargent's failure to have an up-to-date contingency plan and to submit the revised plan to the local authorities poses or may pose a significant risk of exposure of humans or other environmental receptors to hazardous waste or constituents. The failure increases the likelihood that responders will not be able to effectively respond to an emergency in a manner that optimally minimizes the potential impact to human health and the environment from releases of hazardous waste at the facility. This failure also creates significant harm to the regulatory program because it prevents regulators from determining the adequacy of preparedness at the facility and from confirming that emergency responders would have access to adequate and current guidance and instructions in the event of a release at the facility. The potential for harm is moderate.

Extent of Deviation - Moderate

Sargent's failure to fully update and submit the revised contingency plan to local authorities deviates significantly from the applicable regulations, but the risk is minimized

because the 2004 contingency plan (dated June 15, 2004) was comprehensive and was submitted to the local authorities. The extent of the deviation is moderate.

Penalty Assessment:
EPA has determined that Sargent's violation of this requirement warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): $7,090 – $11,330
Penalty Amount Chosen: $9,210 (mid-point)

Total Penalty Amount: $9,210

7. **Failure to Manage Hazardous Waste in Accordance with the Requirements for a Satellite Accumulation Area**

Provision violated – RCSA §§ 22a-449(c)-102(a)(1) & (a)(2)(E) and 40 C.F.R. §§ 262.34(a)(1)(i) & (c)(2)

At the time of the inspection, EPA inspectors observed hazardous waste in excess of 55 gallons adjacent to the utilite line satellite accumulation area. The excess was dated but was not being managed in accordance with the requirements of 40 C.F.R. § 262.34(a).

Potential for Harm - Minor

Sargent's failure to move the container of excess hazardous waste to the HWSA or otherwise manage it in accordance with the requirements of a less-than-90-day storage area within three days of becoming excess poses a potential for risk of harm to humans and the environment by increasing the risk for the mismanagement of hazardous waste. Satellite accumulation areas have less stringent hazardous waste management requirements because of the low volume of hazardous waste kept in them. By not moving this container to the HWSA, or otherwise managing it in accordance with the requirements for a less-than-90-day storage area, the risk of an incident is elevated due to the excessive volume of waste not being managed according to the more stringent requirements. The potential for harm for this violation has been determined to be minor because this container was closed, labeled, and dated.

Extent of Deviation - Minor

Sargent's failure to manage hazardous waste in accordance with the requirements for a satellite accumulation area deviates somewhat from the applicable regulations. This one (1) container of hazardous waste represents a minor amount of the total twenty-two (22) hazardous waste containers that were subject to the satellite accumulation area requirement. The extent of the deviation is minor.

Penalty Assessment:
EPA has determined that Sargent's violation of this requirement warrants a classification of Minor/Minor.

Matrix Cell Range (gravity-based penalty): $150 - $710
Penalty Amount Chosen: $430 (mid-point)

Total Penalty Amount: $430

Summary of the Violations

Violation	Provisions Violated	Penalty Amount
Failure to segregate containers of incompatible hazardous waste	22a-449(c)-102(a)(2)(E) and 40 C.F.R. §§ 262.34(a)(1)(i) & 265.177(c)	$24,790
Failure to have an adequate hazardous waste training program	22a-449(c)-102(a)(2)(K) and 40 C.F.R. §§ 262.34(a)(4) & 265.16	$14,755
Failure to close containers of hazardous waste	22a-449(c)-102(a)(2)(M) and 40 C.F.R. §§ 262.34(c)(1)(i) & 265.173(a)	$5,670
Failure to maintain adequate aisle space	22a-449(c)-102(a)(2)(K) and 40 C.F.R. §§ 262.34(a)(4) & 262.35	$9,210
Failure to mark containers with the beginning accumulation date	22a-449(c)-102(a)(1) and 40 C.F.R. § 262.34(a)(2)	$430
Failure to update and submit revised contingency plan to local authorities	22a-449(c)-102(a)(2)(K) and 40 C.F.R. §§ 262.34(a)(4), 265.52 & .53	$9,210
Failure to manage hazardous waste in accordance with the requirements for a satellite accumulation area	22a-449(c)-102(a)(1) & (a)(2)(E) and 40 C.F.R. §§ 262.34(a)(1)(i) & (c)(2)	$430
	Total	**$64,495**