UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

COPY

SEP 21 2010

CERTIFIED MAIL- RETURN RECEIPT REQUESTED

Morris Lowry
Vice President
NAP Industries, Inc
667 Kent Avenue
Brooklyn, NY 11211

Re: **In the Matter of NAP Industries, Inc.**
Docket No. RCRA-02-2010-7109

Dear Mr. Lowry:

Enclosed is the Complaint, Compliance Order and Opportunity for Hearing in the above-referenced proceeding. The Complaint alleges violations of the Solid Waste Disposal Act, as amended, 42 U.S.C. §§ 6901 *et seq.*

You have the right to a formal hearing to contest any of the allegations in the Complaint and/or to contest the penalty proposed in the Complaint. If you wish to contest the allegations and/or the penalty proposed in the Complaint, you must file an Answer within ***thirty (30)*** days of your receipt of the enclosed Complaint with the Regional Hearing Clerk of the Environmental Protection Agency ("EPA"), Region 2, at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint and have not obtained a formal extension for filing an Answer from the Regional Judicial Officer of Region 2, a default order may be entered against you and the entire proposed penalty may be assessed.

Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss any issue relating to the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement and to have an informal conference with EPA. However, a request for an informal conference ***does not*** substitute for a written Answer, affect what you may choose to say in an Answer, or extend the thirty (30) days by which you must file an Answer requesting a hearing.

You will find enclosed a copy of the "Consolidated Rules of Practice," which govern this proceeding. (A brief discussion of some of these rules appears in the later part of the Complaint.) For your general information and use, I also enclose both an "Information Sheet for U.S. EPA Small Business Resources"and a "Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings" which may apply to you depending on the size of the proposed penalty and the nature of your company.

EPA encourages the use of Supplemental Environmental Projects, where appropriate, as part of any settlement. I am enclosing a brochure on "EPA's Supplemental Environmental Projects Policy." Please note that these are only available as part of a negotiated settlement and are not available if this case has to be resolved by a formal adjudication.

If you have any questions or wish to schedule an informal conference, please contact the attorney whose name is listed in the Complaint.

Sincerely,

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Karen Maples, Regional Hearing Clerk (without enclosures)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of: NAP Industries, Inc. Brooklyn, New York Respondent. Proceeding Under Section 3008 of the Solid Waste Disposal Act, as amended	**COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING** Docket No. RCRA-**02-2010-7109**

I. COMPLAINT

This is a civil administrative proceeding instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by various laws including the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 United States Code (U.S.C.) §§ 6901-6991 (referred to collectively as the "Act" or "RCRA").

This COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") serves notice of the preliminary determination of the United States Environmental Protection Agency ("EPA") that NAP Industries, Inc. ("NAP" or "Respondent") has violated certain requirements of the authorized New York State hazardous waste program and the federal hazardous waste program concerning the management of hazardous waste at its facility.

Section 3006(b) of the Act, 42 U.S.C. § 6926(b), provides that EPA's Administrator may, if certain criteria are met, authorize a state to operate a "hazardous waste program" (within the meaning of Section 3006 of the Act, 42 U.S.C. § 6926) in lieu of the regulations comprising the federal hazardous waste program. The State of New York received final authorization to administer its base hazardous waste program on May 29, 1986. Since 1986, New York State has been authorized for many other hazardous waste requirements promulgated by EPA pursuant to RCRA. *See* 67 Fed. Reg. 49864 (August 1, 2002), 70 Fed. Reg. 1825 (January 11, 2005), and 74 Fed. Reg. 31380 (July 1, 2009). New York is authorized to administer most of the hazardous waste regulations issued by EPA as of January 22, 2002 and the Uniform Hazardous Waste Manifest Amendments issued by EPA on March 4, 2005 and June 16, 2005.

Section 3008(a)(1) of RCRA, 42 U.S.C. § 6928(a)(1), provides in part, that "whenever on the basis of any information the Administrator [of EPA] determines that any person has violated or is in violation of any requirement of this subchapter [subtitle C of RCRA], the Administrator may issue an order assessing a civil penalty for any past or current violation." Section 3008(a)(2)

of RCRA, 42 U.S.C. § 6928(a)(2), provides in part, that "[i]n the case of a violation of any requirement [of Subtitle C of RCRA] where such violation occurs in a state which is authorized to carry out a hazardous waste program under [Section 3006 of RCRA, 42 U.S.C. § 6926], the Administrator [of EPA] shall give notice to the State in which such violation has occurred prior to issuing an order."

Section 3008(a) of the Act, 42 U.S.C. § 6928(a), authorizes EPA to enforce the regulations comprising the State program, and EPA retains primary responsibility for the enforcement of certain requirements promulgated pursuant to HSWA for which the State has not yet been authorized.

The Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, Region 2 EPA, who has been duly delegated the authority to institute this action, hereby alleges upon information and belief:

JURISDICTION

1. This administrative Tribunal has jurisdiction over the subject matter of this action pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R.§ 22.1(a)(4).

2. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), EPA has given the State of New York prior notice of this action.

RESPONDENT

3. Respondent NAP Industries, Inc. ("NAP" or "Respondent") operates a "facility" that is located at 667 Kent Avenue, Brooklyn, New York 11211 (the "Facility").

4. Respondent has produced flexible packaging at its 70,000 square foot Facility since 1965. Respondent can print up to eight colors on plastic packaging and has clients in the food, chemical, industrial and medical industries.

GENERAL ALLEGATIONS

5. Respondent is a "person," as that term is defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in Title 6 of the New York Codes, Rules, and Regulations ("6 NYCRR") § 370.2(b)).

6. Respondent has been and remains the "owner" of a "facility" as those terms are defined in 6 NYCRR § 370.2(b).

7. Respondent has been and remains the "operator" of the Facility as that term is defined in 6 NYCRR § 370.2(b).

8. Respondent currently generates and has been generating "solid waste," as defined in 6 NYCRR 370.2(b).

9. Pursuant to Section 3010 of RCRA, 42 U.S.C. § 6930, Respondent informed EPA by a notification, dated April 1989, that it was a small quantity generator of ignitable hazardous waste at its Facility. EPA issued Respondent an EPA Identification Number NYD982736423 for the Facility.

10. Respondent is a "generator" of "hazardous waste," as those terms are defined in 6 NYCRR § 370.2(b) and § 371.1(d).

11. The requirements for generators of hazardous waste are set forth in 6 NYCRR Part 372.

12. For all times cited in the Complaint, Respondent's Facility was in operation before November 19, 1980.

13. Respondent's Facility is an "existing hazardous waste management facility (or "existing facility") within the meaning of 6 NYCRR § § 370.2(b).

EPA's Inspections of the Facility

14. On or about September 17, 2009 and February 2, 2010, duly designated EPA representatives ("Inspectors") conducted two separate inspections ("Inspections") of the Facility pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Respondent's compliance with Subtitle C of RCRA and its implementing regulations, including New York State's authorized hazardous waste regulations.

15. During the September 2009 Inspection, there were open, unlabeled five-gallon containers of xylene and toluene solvents throughout the Facility. Respondent's representative said the buckets were used to clean equipment or presses. The solvents are highly volatile and, in an open container, release volatile organic contaminants into the environment.

16. Ink and solvent spills were present throughout the Facility during both the Inspections.

17. Two large presses and two small presses were used for printing at the Facility.

18. The room containing the solvent recovery system was the central hazardous waste storage area. At the February 2, 2010 Inspection, the Inspectors saw several empty 5-gallon containers in the corner of that area. An open 55- gallon drum was filled with solvent. A pungent vapor odor was present in the solvent recovery system area at the time of both the Inspections.

19. Respondent's Facility has a permit required pursuant to Title V of the Clean Air Act for an incinerator on the roof of the Facility. The incinerator reportedly burns the fumes from printing presses at the Facility annually during the period April 1 to October 31.

20. At the time of the Inspections, Respondent did not have any spill materials, hazardous waste signs or emergency postings properly located at the Facility. Fire extinguishers were not placed near the central hazardous waste storage area. No emergency phone numbers were posted near the telephone located outside the hazardous waste storage area.

21. At the time of the Inspections, Respondent did not have a program to deal with fluorescent lighting management, including proper storage and disposal of spent fluorescent light bulbs.

22. Pursuant to Sections 3007 and 3008 of RCRA, 42 U.S.C. §§ 6927 and 6928, on or about March 22, 2010, EPA issued an Information Request Letter ("IRL") and a Notice of Violation ("NOV") to Respondent regarding its management of hazardous waste at its Facility.

23. On or about May 18, 2010, Respondent submitted its response to EPA's March 2010 IRL/NOV ("IRL/NOV Response").

Respondent's Generation of Waste

24. The Inspectors' review of Respondent's hazardous waste manifests and biennial reports indicates that Respondent has been generating at least 1,000 kilograms ("kg") of ignitable and solvent (F listed) wastes in a calendar month.

25. At the September 2009 Inspection, Respondent's representative told the Inspector that the only hazardous waste generated at the Facility was still bottoms from the solvent recovery system.

26. Respondent's major waste stream is comprised of the solvents xylene and toluene which are used to clean the presses. Xylene and toluene, when disposed, are considered "hazardous waste" as defined in 6 NYCRR § 371.1(d).

27. Respondent also generated and abandoned the following waste materials at the Facility:

a. waste rags in open, unlabeled 55-gallon drums throughout the Facility and in a large open, unlabeled plastic container in the loading dock, and

b. spent fluorescent light bulbs.

28. Respondent's representatives at the Facility told the EPA Inspectors that waste rags are generated from cleaning of the printing presses with solvent that is applied directly to the rollers of the presses. Then the rollers are wiped down with the rags. The solvent-soaked rags are collected in open drums and laundered.

29. In or about 2009 –2010, Respondent generated and continues to generate at least 1,000 kg. of hazardous waste in a calendar month at the Facility.

30. Pursuant to the regulations at 6 NYCRR § 372.2, a generator who generates at least 1,000 kg. or more of hazardous waste in a calendar month (often referred to as a "Large Quantity Generator") may accumulate non-acute hazardous waste on-site for 90 days or less without having a permit or interim status provided it complies with all the applicable conditions set forth or cross referenced in 6 NYCRR § 372.2(a)(8).

31. Prior to February 2, 2010, Respondent had been disposing of spent fluorescent light bulbs in the municipal trash.

32. Respondent stated in its IRL/NOV Response that it had employed the services of Prime Environmental Inc., and Prime Environmental was now providing special boxes to dispose of the fluorescent tubes properly.

Count 1
Failure to Make Hazardous Waste Determinations

33. Complainant realleges each allegation contained in Paragraphs "1" through "32," with the same force and effect as if fully set forth below.

34. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

35. Pursuant to 6 NYCRR § 371.1(c)(2), subject to certain exclusions inapplicable here, a "solid waste" is any "discarded material" that includes "abandoned," "recycled" or "inherently waste-like materials," as those terms are further defined.

36. Pursuant to 6 NYCRR § 371.1(c)(3), materials are solid wastes if they are "abandoned" by being "disposed of," "burned or incinerated" or "accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated."

37. Respondent "abandoned" solvent-soaked rags on-site at the Facility by storing and/or accumulating them in open containers before, or in lieu of, disposing them off-site.

38. Prior to February 2, 2010, Respondent had been disposing of spent fluorescent bulbs in the municipal trash without making a determination about whether such solid waste constituted a hazardous waste.

39. Each of the materials identified in Paragraph 27, above, was a "discarded material" and "solid waste," as defined in 6 NYCRR § 371.1(c)(2).

40. On or prior to September 17, 2009, Respondent had not determined if any of the materials identified in Paragraphs 27, 37 and 38, above, constituted a hazardous waste.

41. Respondent's failure to determine if each solid waste generated at its Facility constitutes a hazardous waste is a violation of 6 NYCRR § 372.2(a)(2).

Count 2
Failure To Have a Hazardous Waste Training Program

42. Complainant realleges each allegation contained in Paragraphs "1" through "41," with the same force and effect as if fully set forth below.

43. Respondent stores hazardous waste at its Facility for a finite period, at the end of which time the hazardous waste is treated, disposed of or stored elsewhere.

44. Subsection 6 NYCRR § 373-3.2(g) requires facility personnel to complete successfully a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the Facility's compliance with the requirements of this Subpart.

45. Subsection 6 NYCRR § 373-3.2(g)(4) requires the owner or operator of a hazardous waste facility to maintain the following documents and records at such facility:

> a) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job pursuant to 6 NYCRR § 373-3.2(g)(4)(i);
>
> b) A written job description for each position listed pursuant to 6 NYCRR § 373-3.2(g)(4)(i), which may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education or other qualifications, and duties of employees assigned to each position;
>
> c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed pursuant to 6 NYCRR § 373-3.2(g)(4)(i); and
>
> d) Records that document that the training or job experience required pursuant to 6 NYCRR §§ 373-3.2(g)(1), (2), and (3) has been given to, and completed by, facility personnel.

46. At the time of the February 2, 2010 Inspection, Respondent's representative admitted to the Inspectors that Respondent did not offer any type of hazardous waste training to its employees.

47. At the time of the Inspections, Respondent failed to provide EPA with a written description of the type and amount of both introductory and continuing training that would be given to each person filling a position listed under 6 NYCRR § 373-3.2(g)(4)(i).

48. Respondent stated in its IRL/NOV Response that it employed the services of Prime Environmental Inc. to accomplish the task of on-the-job training. The training sign-in sheet attached to the IRL/NOV Response stated the training was held April 15 and 30, 2010.

49. Respondent's failure, prior to April 2010, to conduct classroom instruction or on-the-job training, as well as to maintain a written description of the type and amount of both introductory and continuing training that would be given to each person filling a position listed under 6 NYCRR § 373-3.2(g)(4)(i) constitutes a violation of 6 NYCRR § 373-3.2(g).

Count 3

Storage of Hazardous Waste Without a Permit

50. Complainant realleges each allegation contained in Paragraphs "1" through "49," with the same force and effect as if fully set forth below.

51. Respondent's Facility has been a "storage" facility as that term is defined in 6 NYCRR § 370.2(b).

52. Pursuant to 6 NYCRR § 373-1.2(a), and Section 3005 of the Act, 42 U.S.C. § 6925, a RCRA permit or interim status is required for the storage of hazardous waste.

53. Respondent's Facility does not have interim status or a permit authorizing the storage of hazardous waste at its Facility.

54. Subsections 6 NYCRR § 373-1.1(d) and 6 NYCRR § 372.2(a)(8)(ii) provide, in part, that a generator may accumulate hazardous waste on-site for a period of 90 days or less without being subject to the permitting requirements [*i.e.* without having obtained a permit or without having interim status], provided such generator complies with the requirements of, *inter alia*, 6 NYCRR §§ 373-1.1(d)(1)(iii), (iv), (xix), and (xx).

Failure to Comply with Container Storage Area Requirements

55. 6 NYCRR § 372.2(a)(8)(ii) requires that the date upon which each period of accumulation begins be clearly marked and visible for inspection on each container.

56. 6 NYCRR § 373-3.9(d)(3) requires the generator to mark clearly each container in storage areas with the words "Hazardous Waste" and with other words that identify the contents of the containers.

57. 6 NYCRR § 373-3.9(d)(1) requires containers holding hazardous waste always to be closed during storage, except when it is necessary to add or remove waste.

58. At the time of the September 2009 Inspection and, for some time prior thereto, hazardous waste containers of solvent in the solvent recovery system area did not have any labels or accumulation start dates. These containers were open.

59. At the time of the February 2010 Inspection, a 55-gallon drum of hazardous waste solvent in the solvent recovery system area did not have any labels or accumulation start dates. The container was open.

60. At the time of the Inspections, waste was neither being added to nor removed from the containers referenced in Paragraphs 58 and 59, above.

61. Respondent stated in the IRL/NOV Response that the attached pictures showed the corrective measures taken. The 55-gallon drums that were being used for hazardous waste were shown as labeled and displaying an accumulation date label and were tightly closed.

62. At the time of the Inspections, Respondent's representatives stated that the waste in the containers was going to be recycled in the solvent recovery system.

63. 6 NYCRR § 371.1(g) states that hazardous wastes that are recycled are subject to the requirements for generators, transporters and storage facilities as set forth in paragraphs (2) and (3) of this subdivision. 6 NYCRR § 371.1(g)(3) indicates that owners and operators of facilities that store recyclable materials before they are recycled are regulated under, *inter alia*, sections 6 NYCRR §§ 373-3.1 through 373-3.12 (with some exceptions not applicable to Respondent's operations).

64. 6 NYCRR § 373-3.9(e) requires the generator to inspect areas where hazardous waste containers are stored at least weekly, and to look for leaking containers, deterioration of containers and problems in the containment system caused by corrosion or other factors.

65. At the time of the Inspections, Respondent was not conducting weekly inspections of the hazardous waste storage areas at the Facility.

66. At the time of the Inspections, no third-party was conducting weekly inspections of the hazardous waste storage areas at the Facility.

Failure to Comply with the Requirements for Preparedness and Prevention and Contingency Plan and Emergency Procedures

67. Subsection NYCRR § 373-3.4(b)(1) requires the owner or operator of a hazardous waste facility to have, *inter alia*, a contingency plan for the facility that must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

68. Respondent's Facility constitutes a "hazardous waste facility" for purposes of 6 NYCRR § 373-3.4.

69. At the time of the Inspections, no contingency plan was available for review. For all documentation, Respondent's representatives referred the Inspectors to its environmental consultant, Prime Environmental, Inc.

70. One of the Inspectors spoke with Bill Bromiski of Prime Environmental, Inc. who admitted that he had no contingency plan on file for Respondent.

71. In the IRL/NOV, EPA required that a copy of the Contingency Plan be submitted to EPA. Respondent failed to include a Contingency Plan in the IRL/NOV Response.

72. 6 NYCRR § 373-3.4(f) requires facilities, at all times, to have at least one employee either on the premises or on call to coordinate all emergency response measures. This employee is the emergency coordinator.

73. At the time of the Inspections, Respondent's representatives could not identify the emergency coordinator.

74. Respondent stated in the IRL/NOV Response that Mr. Kelvin Albino is the emergency coordinator for NAP Industries, and indicated this information would be posted throughout the plant.

75. At the time of the February 2, 2010 Inspection, Mr. Albino stated he began working at the Facility in November 2009.

76. 6 NYCRR § 373-3.3(c)(2) requires that all facilities be equipped with a device, such as a telephone (immediately available at the scene of operations).

77. At the time of the Inspections, a telephone and the names and telephone numbers of emergency coordinators, and the location of fire extinguishers and spill control materials were not immediately available at or near the solvent recovery system area.

78. 6 NYCRR § 373-3.3(c)(3) requires that all facilities be equipped with fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment.

79. At the time of the Inspections, no spill materials, hazardous waste signs or emergency postings were observed at the Facility.

80. 6 NYCRR § 373-3.3(g)(1)(i) requires that the owner or operator attempt to make arrangements, where appropriate, to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and

associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.

81. 6 NYCRR § 373-3.3(g)(1)(iv) requires that the owner or operator attempt to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

82. 6 NYCRR § 373-3.3(g)(2) requires that where state or local authorities decline to enter into such arrangements, the owner or operator must document that refusal in the operating record.

83. At the time of the Inspections, and prior thereto, Respondent had not made an attempt to make arrangements to familiarize police, fire departments, emergency response teams and local hospitals with the information set forth in 6 NYCRR § 373-3.3(g)(1)(i) concerning the Facility.

84. At the time of the 2010 Inspection, Respondent could not document any attempt it had made to make arrangements to familiarize local authorities with any of the information set forth in 6 NYCRR § 373-3.3(g)(1)(i) concerning the Facility.

Failure to Comply with Conditions Set Forth in 6 NYCRR § 373-3.3(b)

85. Respondent failed to maintain and operate its Facility in a manner to minimize threats to human health and the environment as required by 6 NYCRR § 373-3.3(b).

86. At the time of the Inspections, and prior thereto, Respondent's handling of hazardous waste and "hazardous waste constituents" (as defined in 6 NYCRR § 370.2(b)(82), and for purposes of 6 NYCRR § 373-3.3(b)), and storage and other management practices at the Facility presented an increased risk of a fire or explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water that could threaten human health or the environment.

87. Respondent reported in its IRL/NOV Response that new operation practices had made the plant a safer and cleaner place to work, had eliminated the use of an excessive number of 5-gallon containers, and provided a new system for cleaning the presses after usage, for reuse of solvents, and for stricter supervision over the production area.

88. At the time of the Inspections, and prior thereto, Respondent was not operating and maintaining the Facility in a manner that minimized the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents into the air, soil or surface water, which could threaten human health or the environment.

89. Respondent's failure to maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous

waste constituents into the air, soil or surface water constitutes a failure to comply with 6 NYCRR § 373-3.3(b).

Failure to Satisfy Conditions for Generators which, if Complied With, Would Have Exempted Respondent from Permitting Requirements

90. Prior to February 2, 2010, Respondent failed to satisfy all the conditions set forth or cross-referenced in 6 NYCRR § 372.2(a)(8)(ii), including but not limited to conditions set forth in 6 NYCRR §§ 373-1.1(d)(1)(iii), (iv), (xix), and (xx), which, if complied with, would have allowed Respondent to store hazardous waste without interim status or a permit for up to 90 days.

Storage of Hazardous Waste Without a Permit

91. At the time of the Inspections, Respondent stored hazardous waste at its Facility without having interim status or a permit in violation of 6 NYCRR § 373-1.2(a), and Section 3005 of the Act, 42 U.S.C. § 6925.

II. PROPOSED CIVIL PENALTY

The Complainant proposes, subject to the receipt and evaluation of further relevant information that Respondent be assessed the following civil penalty for the violations alleged in this Complaint:

Count 1: $21,300

Count 2: $28,300

Count 3: $44,600

Total Proposed Penalty for Counts 1, 2, and 3: **$94,200**

The proposed civil penalty has been determined in accordance with Section 3008(a)(3) of the Act, 42 U.S.C. § 6928(a)(3). For purposes of determining the amount of any penalty assessed, Section 3008(a)(3) 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 in this complaint, the Complainant has taken into account the particular facts and circumstances of this case and used EPA's 2003 RCRA Civil Penalty Policy, a copy of which is available upon request or can be found on the Internet at the following address: ***http: //www. epa.gov/compliance/resources/policies/civil/rcra/rcpp2003-fnl.pdf***. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors to particular cases.

The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, required EPA to adjust its penalties for inflation on a

periodic basis. Consistent with this, the penalty amounts in the 2003 RCRA Civil Penalty Policy have been amended to reflect inflation adjustments. The adjustments relevant to the time period of the alleged violations in this case were made pursuant to the December 29, 2008 document entitled Amendments to EPA's Civil Penalty Policies to Implement the 2008 Civil Penalty Monetary Penalty Inflation Adjustment Rule (effective January 12, 2009); and the November 16, 2009 document entitled Adjusted Penalty Policy Matrices based on the 2008 Civil Monetary Inflation Rule.

The maximum civil penalty under Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), for violations after January 12, 2009 is $37,500 per day of violation. *See* 40 C.F.R. Part 19.

The Complainant proposes, subject to receipt and evaluation of further relevant information from the Respondent, that the Respondent be assessed the civil penalty as set out below for the violations alleged in this Complaint. A penalty calculation worksheet and narrative explanation to support the penalty figure for each violation cited in this Complaint are included in Attachment I, below. Matrices employed in the determination of individual and multi-day penalties are included as Attachments II, and III, below.

COMPLIANCE ORDER

Based upon the foregoing, and pursuant to the authority of Section 3008 of the Act, Complainant issues NAP the following Compliance Order:

1. Within twenty (20) days of the effective date of this Compliance Order, to the extent it has not already done so, Respondent shall:

   a. make hazardous waste determinations for each solid waste generated at the Facility pursuant to 6 NYCRR § 372.2(a)(2);

   b. require facility personnel to successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the Facility's compliance with the requirements of this Subpart pursuant to 6 NYCRR § 373-3.2(g);

   c. implement a contingency plan for its Facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water pursuant to 6 NYCRR § 373-3.4(b)(1).

   d. comply with all applicable and appropriate provisions for the short term accumulation of hazardous waste by generators including:

i. 6 NYCRR § 372.2(a)(8)(ii), including but not limited to conditions set forth in 6 NYCRR §§ 373-1.1(d)(1)(iii), (iv), (xix), and (xx), which, if complied with, would allow Respondent to store hazardous waste without interim status or a permit for up to 90 days; and
ii. 6 NYCRR § 373-3.3(b), maintaining and operating the facility in a manner that minimizes the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

e. as an alternative to compliance with the generator provisions identified in this Compliance Order, obtain and comply with a hazardous waste storage permit from the New York State Department of Environmental Conservation pursuant to applicable provisions set forth in 6 NYCRR § 373-1.2(a). However, Respondent must comply with the appropriate requirements cited in Paragraph 1, above, until such permit is obtained.

2. Within thirty (30) calendar days of the effective date of this Compliance Order, Respondent shall submit to EPA: a) a written statement indicating whether it intends to continue its operations as a Large Quantity Generator generating more than 1,000 kilograms of hazardous waste in a calendar month and observing the conditions for accumulation of hazardous waste without a permit, or as a permitted hazardous waste storage facility; and b) a statement indicating its compliance with this Compliance Order, and all documentation demonstrating such compliance. Respondent's submission may reference information already submitted to EPA. If earlier submitted information is referenced, dates, and other identifying aspects, of these prior submissions should be indicated. If Respondent is not in compliance with a particular requirement, the notice shall state the reasons for such noncompliance and shall provide a schedule for achieving prompt compliance with the requirement.

3. All responses, documentation, and evidence submitted in response to this Compliance Order should be sent to:

Ms. Meghan La Reau
Senior Enforcement Team
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

This Compliance Order shall take effect thirty (30) days after service of this Order, unless by that date Respondent has requested a hearing pursuant to 40 C.F.R.§ 22.15. See 42 U.S.C. §6928(b) and 40 C.F.R. §§ 22.37(b) and 22.7(c).

Compliance with the provisions of this Compliance Order does not waive, extinguish or otherwise release Respondent from liability for any violations at the Facility. Further, nothing herein shall waive, prejudice or otherwise affect EPA's right to enforce any applicable provisions of law regarding the Facility.

IV. NOTICE OF LIABILITY FOR ADDITIONAL CIVIL PENALTIES

Pursuant to the terms of Section 3008(c) of RCRA and the Debt Collection Improvement Act of 1996, a violator failing to take corrective action within the time specified in a compliance order regarding hazardous waste violations is liable for a civil penalty of up to $37,500 for each day of continued noncompliance (73 Fed. Reg. 75340, December 11, 2008 and 40 C.F.R. Part 19 (2009)).

V. PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation have been set forth in the "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION COMPLIANCE ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS." These rules are codified at 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty and/or the Compliance Order is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written answer(s) to the Complaint, and such Answer(s) must be filed within 30 days after service of the Complaint. 40 C.F.R. §§ 22.15(a) and 22.7(c). The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

Respondent shall also then serve one copy of the Answer(s) to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a).

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a

particular factual allegation and so states in the Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b).

The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding) and (3) whether Respondent requests a hearing. 40 C.F.R. § 22.15(b).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondent, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondent requests a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c). With regard to the Compliance Order in the Complaint, unless Respondent requests a hearing pursuant to 40 C.F.R. § 22.15 within 30 days after the Compliance Order is served, the Compliance Order shall automatically become final. 40 C.F.R. § 22.37

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. §22.21(d). A hearing of this matter will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely (i.e. in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)) Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer(s) to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount, in federal court. Any

default order requiring compliance action shall be effective and enforceable against Respondent without further proceedings on the date the default order becomes final under 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d).

D. Exhaustion of Administrative Remedies

Where Respondent fails to appeal an adverse initial decision to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondent waives the right to judicial review. 40 C.F.R. § 22.27(d).

To appeal an initial decision to the Agency's Environmental Appeals Board ("EAB"), Respondent must do so "[w]ithin 30 days after the initial decision is served upon the parties." 40 C.F.R. §22.30(a). Pursuant to 40 C.F.R. § 22.7(c), where service is affected by mail, "five days shall be added to the time allowed by these rules for the filing of a responsive pleading or document." Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) (discussing when an initial decision becomes a final order) does not pertain to or extend the time period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in the Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, and/or (2) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant, or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this complaint should be directed to:

Beverly Kolenberg
Assistant Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 17th floor
New York, N.Y. 10007-1866
Telephone (212) 637-3167

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondent's request for a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer(s) to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written consent agreement. 40 C.F.R. § 22.18(b)(2). In accepting the consent agreement, Respondent waives the right to contest the allegations in the Complaint and waives the right to appeal the final order that is to accompany the consent agreement. 40 C.F.R. § 22.18(b)(2). To conclude the proceeding, a final order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondent entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in the such Consent Agreement terminate this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

If, instead of filing an Answer, Respondent wishes not to contest the Compliance Order in the Complaint and wants to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, Respondent should promptly contact the Assistant Regional Counsel identified on the previous page.

Dated: SEPTEMBER 21, 2010
New York, New York

COMPLAINANT:

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
Environmental Protection Agency, Region 2
290 Broadway, 21st floor
New York, NY 10007-1866

To: Morris Lowry
Vice President
NAP Industries, Inc
667 Kent Avenue
Brooklyn, NY 11211

cc: Thomas Killeen
NYSDEC

ATTACHMENT 1

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 1)

Respondent: NAP Industries, Inc.
Facility Address: Brooklyn, New York 11211

Requirement Violated:

6 NYCRR § 372.2(a)(2)

Respondent failed to make hazardous waste determinations for each solid waste stream generated at its Facility.

PENALTY AMOUNT

1. Gravity based penalty from matrix		$21,250
(a)	Potential for Harm.	MAJOR
(b)	Extent of Deviation.	MODERATE

2. Select an amount from the appropriate multi-day matrix cell.	Not applicable
3. Multiply line 2 by number of days of violation minus 1.	Not applicable
4. Add line 1 and line 3.	$21,250
5. Percent increase/decrease for good faith.	Not applicable
6. Percent increase for willfulness/negligence.	Not applicable
7. Percent increase for history of noncompliance.	Not applicable
8. Total lines 5 through 7.	Not applicable
9. Multiply line 4 by line 8.	Not applicable
10. Calculate economic benefit.	Not applicable
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.	$21,300*

* Penalties have been rounded to the nearest hundred.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 1)

1. Gravity Based Penalty

   a. Potential for Harm – The Potential for Harm was determined to be MAJOR. The RCRA Civil Penalty Policy provides that the potential for harm should be based on two factors: the risk of human or environmental exposure, and the adverse impact of the noncompliance on the regulatory scheme. By failing to determine whether each solid waste stream constitutes a hazardous waste, an owner/operator increases the likelihood that a hazardous waste it generated will not be treated as such. In this instance, Respondent failed to determine if waste streams generated at its Facility constituted hazardous waste. Consequently, Respondent was unaware that its waste was subject to regulation and accumulated the waste on site for an extended period of time without instituting mandated managerial requirements intended to protect human health and the environment. In the case of the spent fluorescent light bulbs, the bulbs were disposed in the municipal solid waste for an extended time. All waste rags were stored in open containers and a solvent odor existed throughout the Facility.

   b. Extent of Deviation - The extent of deviation present in this violation was determined to be MODERATE since other waste streams at the Facility were properly identified. The waste rags were properly being laundered and not illegally disposed of.

      The applicable cell ranges from $21,250 to $ 28,330. The low point for the cell matrix was selected because the Facility's operations overall generated relatively moderate amounts of hazardous waste.

   c. Multiple/Multi-day – Based on information presently available to it, multi-day penalties are not being sought at this time.

2. Adjustment Factors

   a. Good Faith - Based upon facility specific factors and available information, no adjustment has been made at this time.
   b. Willfulness/Negligence - Not applicable
   c. History of Compliance - Not applicable
   d. Ability to Pay - Not applicable
   e. Environmental Project - Not applicable
   f. Other Unique Factors - Not applicable

3. Economic Benefit – Based on presently available information, EPA has determined that the economic benefit for this count is *de minimis.*

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 2)

Respondent: NAP Industries, Inc.
Facility Address: Brooklyn, New York 11211

Requirement Violated:

6 NYCRR § 373-3.2(g)

Facility personnel must complete and the Facility must maintain records of a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Subpart.

PENALTY AMOUNT

1. Gravity based penalty from matrix		$28,330
(a)	Potential for Harm.	MAJOR
(b)	Extent of Deviation.	MAJOR

2. Select an amount from the appropriate multi-day matrix cell.	Not applicable
3. Multiply line 2 by number of days of violation minus 1.	Not applicable
4. Add line 1 and line 3.	$28,330
5. Percent increase/decrease for good faith.	Not applicable
6. Percent increase for willfulness/negligence.	Not applicable
7. Percent increase for history of noncompliance.	Not applicable
8. Total lines 5 through 7.	Not applicable
9. Multiply line 4 by line 8.	Not applicable
10. Calculate economic benefit.	Not applicable
11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint.	$28,300*

* Penalties have been rounded to the nearest hundred.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 2)

1. Gravity Based Penalty

   a. Potential for Harm – The Potential for Harm was determined to be MAJOR. The RCRA Civil Penalty Policy provides that the potential for harm should be based on two factors: the risk of human or environmental exposure, and the adverse impact of the noncompliance on the regulatory scheme. Personnel training is required to reduce the potential for mistakes and accidents at the Facility that might threaten human health or the environment. Initial and annual training provides the knowledge of how to manage hazardous waste safely and in accordance with all State and Federal regulations. Improper handling of hazardous waste increases the likelihood of releases and exposure to hazardous waste. This violation also has a significant adverse impact on the regulatory scheme because training provides employees with the tools to meet the RCRA requirements in managing the Facility. The employees at the Facility were not familiar with RCRA and that increased the risk of mismanagement of hazardous waste.

   b. Extent of Deviation - The extent of deviation present in this violation was determined to be MAJOR since no training was conducted or documented until after the Notice of Violation letter was received by the Facility.

      The applicable cell ranges from $28,330 to $37,500. The low point of the range was selected due to the number of employees requiring training.

   c. Multiple/Multi-day – Based on information presently available to it, multi-day penalties are not being sought at this time.

2. Adjustment Factors

   a. Good Faith - Based upon facility specific factors and available information, no adjustment has been made at this time.
   b. Willfulness/Negligence - Not applicable
   c. History of Compliance - Not applicable
   d. Ability to Pay - Not applicable
   e. Environmental Project - Not applicable
   f. Other Unique Factors - Not applicable

3. Economic Benefit – Economic benefit is not being assessed at this time.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 3)

Respondent: NAP Industries, Inc.
Facility Address: Brooklyn, New York 11211

Requirement Violated:

42 U.S.C § 6925, 6 NYCRR § 373-1.2

Respondent operated a hazardous waste management facility without having obtained a permit or qualifying for interim status. Respondent failed to comply with the requirements necessary for an exemption from permitting, as more specifically alleged in the body of the Complaint. As a result of failing to comply with the specified management requirements, Respondent was not exempt from the legal requirement to obtain a permit or qualify for interim status.

Large quantity generators must comply with the hazardous waste container management requirements, the hazardous waste storage area requirements, and must meet certain preparedness and prevention requirements to be exempt from permitting.

PENALTY AMOUNT

1. Gravity based penalty from matrix		$37,500
(a)	Potential for Harm.	MAJOR
(b)	Extent of Deviation.	MAJOR

2. Select an amount from the appropriate multi-day matrix cell.	$7,090
3. Multiply line 2 by number of days of violation minus 1.	$7,090
4. Add line 1 and line 3.	$44,590
5. Percent increase/decrease for good faith.	Not applicable
6. Percent increase for willfulness/negligence.	Not applicable
7. Percent increase for history of noncompliance.	Not applicable
8. Total lines 5 through 7.	Not applicable
9. Multiply line 4 by line 8.	Not applicable
10. Calculate economic benefit.	Not applicable

11. Add lines 4, 9 and 10 for penalty amount to be inserted into the complaint. $44,600*

* Penalties have been rounded to the nearest hundred.

NARRATIVE EXPLANATION TO SUPPORT COMPLAINT AMOUNT
Penalty Computation Worksheet (Count 3)

1. Gravity Based Penalty

   a. Potential for Harm – The Potential for Harm was determined to be MAJOR. Operating treatment, storage or disposal facilities without a permit is a serious violation and has a substantial adverse effect on the RCRA regulatory program. Respondent failed to comply with conditions for accumulating hazardous waste without a permit. Respondent did not qualify for the exemption from the permit requirement due to its failure to comply with numerous management standards that govern the labeling and condition of storage containers and emergency preparedness and prevention, among other things. These conditions are established to ensure the safe management and handling of hazardous waste. Failure to follow them or in the alternative to have obtained a permit (and complied with its conditions), increases the potential for harm.

   b. Extent of Deviation - The extent of deviation present in this violation was determined to be MAJOR. The Respondent substantially deviated from the requirements, did not have a RCRA permit or interim status, and violated almost all of the "safe harbor" provisions.

      The applicable cell ranges from $28,330 to $37,500. The high point of the range was selected due to the seriousness of the violation.

   c. Multiple/Multi-day – In accordance with the RCRA Civil Penalty Policy, and based upon the circumstances set forth above, we have used our discretion in selecting 1 day as the period of time in which the multi-day penalty component was calculated (2 days minus 1 day). EPA conservatively estimated that the conditions that triggered the requirement for a permit only existed during the two inspections (September 17, 2009 and February 2, 2010).

      The applicable multiple day MAJOR/MAJOR cell matrix ranges from $1,420 per-day to $7,090 per day. The high point of the range was selected due to the seriousness of the violation.

2. Adjustment Factors

   a. Good Faith - Based upon facility specific factors and available information, no adjustment has been made at this time.

   b. Willfulness/Negligence - Not applicable

   c. History of Compliance - Not applicable

d. Ability to Pay - Not applicable

e. Environmental Project - Not applicable

f. Other Unique Factors - Not applicable

3. Economic Benefit – Economic benefit is not being assessed at this time.

***In re:* NAP Industries, Inc.**
Docket Number RCRA-02-2010-7109

CERTIFICATE OF SERVICE

This is to certify that on SEP 24, 2010, I served a true and correct copy of the foregoing "COMPLAINT, COMPLIANCE ORDER AND NOTICE OF OPPORTUNITY FOR HEARING," bearing Docket Number RCRA-02-2010-7109 hereinafter referred to as the "Complaint"), together with Attachments I and II and with a copy of the "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION COMPLIANCE ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS," 40 C.F.R. Part 22, by certified mail, return receipt requested, to Morris Lowry, Vice President, NAP Industries, Inc., 667 Kent Avenue, Brooklyn, New York 11211. On said day, I hand carried the original and a copy of the Complaint, with the accompanying attachments, to the Office of the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2, 290 Broadway, 16th floor, New York, New York 10007-1866.

Name: Mildred Baez
Mildred Baez