



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

**BY HAND**

**SEP 5 - 2018**

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

RECEIVED  
SEP 05 2018  
EPA ORC  
Office of Regional Hearing Clerk

Re: *In the Matter of Southcoast Plating, Inc.*  
Docket No.: RCRA-01-2018-0036.

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of a Complaint, Compliance Order and Notice of Opportunity for Hearing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Simpson".

Andrea Simpson  
Senior Enforcement Counsel

cc: Carlton Neves, Southcoast Plating, Inc.  
Linda Brolin, EPA Office of Environmental Stewardship

Enclosures



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Andrea Simpson  
Senior Enforcement Counsel

cc: Carlton Neves, Southcoast Plating, Inc.  
Linda Brolin, EPA Office of Environmental Stewardship

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

In the Matter of:

Southcoast Plating, Inc.  
41 Coffin Street  
New Bedford, MA 02746

Respondent

Proceeding under Section 3008(a) of the  
Resource Conservation Recovery  
Act, 142 U.S.C. § 6928(a)

**EPA Docket No. RCRA-01-2018-0036**

**COMPLAINT, COMPLIANCE  
ORDER AND NOTICE OF  
OPPORTUNITY FOR HEARING**



**I. INTRODUCTION**

1. This Complaint, Compliance Order and Notice of Opportunity for Hearing (“Complaint”) is filed pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 (hereinafter, “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, 40 C.F.R. Part 22 (“Part 22”). Respondent, Southcoast Plating, Inc., doing business as Star Plating Company (“Respondent”), is hereby notified that the United States Environmental Protection Agency, Region 1 (“EPA”) has determined that Respondent violated Section 3002 of RCRA, 42 U.S.C. § 6922, 40 C.F.R. Parts 262, Chapter 21 C of the Massachusetts General Laws and the regulations promulgated thereunder found at Title 310, Chapter 30 of the Code of Massachusetts Regulations set forth at 310 C.M.R. 30.001 *et seq.* EPA also provides notice of Respondent’s opportunity to request a hearing.

## **II. NATURE OF ACTION**

2. This is an action under RCRA, 42 U.S.C. § 6901-6987, to obtain compliance with RCRA and the hazardous waste regulations promulgated to implement RCRA and to seek civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for violations of RCRA and its implementing regulations.

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

## **III. STATUTORY AND REGULATORY FRAMEWORK**

4. In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. RCRA Subtitle C, 42 U.S.C. § 6921 *et seq.*, empowers EPA to identify and list hazardous wastes. It also authorizes EPA to regulate hazardous waste generators, transporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270.

5. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are “solid wastes,” and of these solid wastes, what wastes are regulated as “hazardous wastes.” These regulations are set forth at 40 C.F.R. Part 261.

6. Section 3002 of RCRA, 42 U.S.C. § 6922, required EPA to establish standards applicable to generators of hazardous wastes. These standards are codified at 40 C.F.R. Part 262 and relate to such matters as determining whether a waste is hazardous, container management,

labeling and dating containers, inspecting waste storage areas, training, and planning for emergencies.

7. In 1984, Congress substantially amended RCRA with the Hazardous and Solid Waste Amendments (“HSWA”) to, among other things: (a) restrict the disposal of hazardous wastes on the land or in landfills; and (b) change the method for determining whether wastes are toxic (and therefore hazardous). RCRA Section 3004(c)-(p), 42 U.S.C. § 6924(c)-(p).

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

9. The Commonwealth of Massachusetts received final authorization to implement its base hazardous waste management program on January 24, 1985, with an effective date of February 7, 1985. 50 Fed. Reg. 3,344. EPA authorized revisions to Massachusetts's hazardous waste management program on September 30, 1998 (63 Fed. Reg. 52,180), October 12, 1999 (64 Fed. Reg. 55,153), March 12, 2004 (69 Fed. Reg. 11,801), January 31, 2008 (73 Fed. Reg. 5,753), and June 23, 2010 (75 Fed. Reg. 35,660).

10. Promulgated pursuant to the authority granted by M.G.L. c. 21C, §§ 4 and 6, M.G.L. c. 21E, § 6, and by St. 1987, c. 587, § 47, Massachusetts's federally authorized hazardous waste management regulations are codified at Title 310, Chapter 30 of the Code of Massachusetts Regulations (“C.M.R.”), 310 C.M.R. §§ 30.0001 *et seq.* (the “Massachusetts Hazardous Waste Regulations”).

11. Section 3006 of RCRA, 42 U.S.C. § 6926, as amended, provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. 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.

12. Pursuant to Sections 3008(a) and 3006(g) of RCRA, 42 U.S.C. § 6928(a) and 6926(g), EPA may enforce the federally-approved Massachusetts hazardous waste program, as well as the federal regulations promulgated pursuant to HSWA, by issuing orders requiring compliance immediately or within a specified time for violations of any requirement of Subtitle C of RCRA, Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e.

13. Sections 3008(a) and (g) of RCRA provide that any person who violates any order or requirement of Subchapter C of RCRA shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701 *et seq.*, as well as 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Subchapter III of RCRA is up to \$32,500 per day per violation for violations that occurred after March 15, 2004 and before January 13, 2009. Violations that occurred after January 13, 2009 and on or before November 2, 2015, are subject to penalties up to \$37,500 per day per violation. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461 note, Pub. L. 114-74, as well as 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Subchapter III of RCRA increased to \$97,229 per day for each violation that occurred after November 2, 2015, and is assessed on or after January 15, 2018.

#### **IV. GENERAL AND FACTUAL ALLEGATIONS**

14. Respondent is a corporation established on January 2, 2014, under the laws of Massachusetts, having a principal place of business at 41 Coffin Avenue, New Bedford, Massachusetts.

15. Respondent is a “person” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(15), and 310 C.M.R. 30.010.

16. At all times relevant to the allegations set forth in this Complaint, Respondent was and currently is the “operator” as defined in 40 C.F.R. § 260.10 and 310 C.M.R. 30.010, of a facility located at 41 Coffin Avenue, New Bedford, Massachusetts (“Facility”).

17. At all times relevant to the allegations set forth in this Complaint, K Seven Realty Trust was and currently is the “owner” as defined in 40 C.F.R. § 260.10 and 310 C.M.R. 30.010 of the Facility. Carlton J. Neves, who is the owner of Respondent, is the Trustee of K Seven Realty Trust.

18. At all times relevant to the allegations set forth in this Complaint, Respondent conducted and currently conducts electroplating operations at the Facility.

19. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), Respondent notified the Massachusetts Department of Environmental Protection (“MassDEP”) that it was a large quantity generator of hazardous waste on February 23, 2016.

20. At all times relevant to the allegations set forth in this Complaint, Respondent was and is a “Generator,” as that term is defined in 40 C.F.R. § 260.10 and 310 C.M.R. 30.010; and a “Large Quantify Generator,” of hazardous waste pursuant to 310 C.M.R. 30.340.

21. At all times relevant to this Complaint, Respondent generated and continues to generate “hazardous waste,” as that term is defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), and 310 C.M.R. 30.010, at the Facility. Hazardous waste that is currently generated or has been generated at the Facility includes wastewater treatment sludge from electroplating operations, classified with the Hazardous Waste code F006 under 40 C.F.R. § 261.31 and 310 C.M.R. 30.131 (“F006 waste”).

22. As the operator of a facility that generates hazardous waste, Respondent is subject to the requirements for generators of hazardous wastes set forth at 310 C.M.R. 30.300 *et seq.*

23. On September 26, 2017, duly authorized representatives of EPA conducted an inspection at the Facility (“Inspection”) to determine Respondent’s compliance with RCRA and the federal and state regulations promulgated thereunder. During the Inspection, the EPA inspectors observed conditions at the Facility, and obtained and reviewed documents from Respondent related to hazardous waste management.

24. On December 5, 2017, EPA sent Respondent a Notice of Potential Violation letter, identifying certain potential violations/areas of concern based on the Inspection, and urging Respondent to take immediate steps to remedy the cited potential violations/areas of concern.

25. On January 20, 2018, EPA received an email with attachments from Respondent’s employee, Marilyn Costa, Coordinator of Customer Service, Purchase and Invoicing, W/C and Employee Administration, in response to EPA’s Notice of Potential Violation, dated December

5, 2017, describing how Respondent had addressed and was addressing the potential violations/areas of concern identified in the Notice of Potential Violation.

## **V. VIOLATIONS**

26. Based on the Inspection and document review, EPA identified the following violations of RCRA, M.G.L. Ch. 21C, and the Massachusetts Hazardous Waste Regulations.

### **COUNT I: Failure to Conduct Hazardous Waste Determination**

27. Complainant incorporates by reference the allegations of paragraphs 1-26 above.

28. Pursuant to 310 C.M.R. 30.302, any person who generates a waste shall determine if that waste is a hazardous waste as identified or otherwise described in 310 C.M.R. 30.100.

29. Pursuant to 310 C.M.R. 102(2), 310 C.M.R. 30.120 and 310 C.M.R. 30.123, any waste which exhibits the characteristic of corrosivity is a hazardous waste subject to 310 C.M.R. 30.000, unless exempted pursuant to 310 C.M.R. 30.104. Pursuant to 310 C.M.R. 30.123, a waste exhibits the characteristic of corrosivity if a representative sample of the waste is aqueous and has a pH less than or equal to 2, as determined by a pH meter using the method prescribed by 310 C.M.R. 30.153(1).

30. At the time of the Inspection, Respondent had not conducted a hazardous waste determination for the waste contained in the open and unlabeled, approximately 200-gallon metal container (“200-Gallon Container of Waste”), located in the North Plant basement. The 200-Gallon Container of Waste was about one-third full of liquid, which Respondent’s employee, Joaquim Coutinho, Senior Production Supervisor and Wastewater Treatment Manager, stated was process water removed from the zinc lines on the first floor of the North Plant. According to

Mr. Coutinho, because one of the tanks on the first floor had been too hot, the hot process water was removed to the 200-Gallon Container of Waste and replaced with cool water.

31. During the Inspection, when an EPA Inspector inserted pH paper into the liquid in the 200-Gallon Container of Waste, the pH paper showed a reading of less than 1.0. Also during the Inspection, when Mr. Coutinho inserted a pH meter into the liquid in the 200-Gallon Container of Waste, the meter showed a reading of 0.6.

32. Although not definitive in accordance with the method prescribed by 310 C.M.R. 30.153(1), the pH test results from the pH paper and pH meter inserted in the liquid in the 200-Gallon Container of Waste, as described in paragraph 31, indicate that the material, with a pH less than 2, was a hazardous waste.

33. Respondent's failure to determine if the 200-Gallon Container of Waste was a hazardous waste, as set forth in paragraph 30 above, constitutes a violation of 310 C.M.R. 30.302.

**COUNT II: Failure to Accumulate Hazardous Waste in a Tank or Container**

34. Complainant incorporates by reference the allegations of paragraphs 1-33 above.

35. Pursuant to 310 C.M.R. 30.340(4) and (5), a Large Quantity Generator may accumulate hazardous waste for 90 days or less, and more specifically, wastewater treatment sludges from electroplating operations identified in 310 C.M.R. 30.133, as EPA Hazardous Waste code F006 for 180 days or less, at the site of generation without a storage license from the MassDEP and without obtaining interim status provided, among other things, that the hazardous waste is accumulated in containers or tanks or both.

36. At the time of the Inspection, Respondent was accumulating sludge, collected from the bottom of a 2000-gallon waste water treatment collection tank, in an approximately eight-foot by eight-foot area on the floor surrounded by wood boards (“Floor Area Waste”) in the North Plant basement, located in the same area as the 200-Gallon Container of Waste. The Floor Area Waste, which Respondent’s employee, Joaquim Coutinho, identified as F006 waste, was located directly on the floor of the basement without any liner and outside of any tank or container. Mr. Coutinho stated that Respondent’s practice is to dry out and accumulate the Floor Area Waste for two to three years, after which the dried-out material is shoveled into containers and transferred to an open 30-yard, plastic lined roll-off container (“Roll-Off Container of Waste”), located in a wooden shed outside of the loading dock of the North Plant. Mr. Coutinho stated that the Floor Area Waste observed at the Inspection had been accumulating since July 2017.

37. At the time of the Inspection, Respondent was operating the Facility without a storage license and without obtaining interim status.

38. Respondent's accumulation of the Floor Area Waste without the use of containers or tanks or both, as set forth in paragraph 36, constitutes a violation of 310 C.M.R. 30.340(4) and (5).

**COUNT III: Failure to Clearly Mark Hazardous Waste Storage Areas**

39. Complainant incorporates by reference the allegations of paragraphs 1-38 above.

40. Pursuant to 310 C.M.R. 30.341(5), all areas where wastes are accumulated for purposes of complying with 310 C.M.R. 30.000 generally (“hazardous waste storage area(s)”)

shall be clearly marked (e.g., by a clearly visible line or piece of tape on the floor, or by a gate or fence, or by a sign at the boundary of a clearly distinguishable area) so that they are clearly distinguishable at all times from all specific points of generation where wastes are initially accumulated solely for purposes of 310 C.M.R. 30.340(6), and from all areas at the site of generation where wastes are not accumulated.

41. At the time of the Inspection, the following hazardous waste storage areas were not clearly marked to make the areas clearly distinguishable at all times from all specific points of generation where wastes are initially accumulated solely for purposes of 310 C.M.R. 30.340(6), and from all areas at the site of generation where wastes are not accumulated:

(a) the area to the right of the Chemical Storage Room in the South Plant containing sixteen open and unlabeled 55-gallon metal containers of sludge from the bottom of the zinc plating lines in the South Plant (“55-Gallon Containers of Waste”). According to Respondent’s employee, Joaquim Coutinho, the 55-Gallon Containers of Waste contained F006 waste removed from tanks in the South Plant.

(b) the area located on the first floor of the North Plant containing a black 55-gallon container of F006 sludge from the sodium hydroxide tank (“Black 55-Gallon Container of Waste”); and

(c) the area containing the Floor Area Waste.

42. Respondent’s failure to clearly mark the hazardous waste storage areas, as set forth in paragraph 41, constitutes a violation of 310 C.M.R. 30.341(5).

**COUNT IV: Failure to Prepare a Hazardous Waste Training Plan**

43. Complainant incorporates by reference the allegations of paragraphs 1-42 above.

44. Pursuant to 310 C.M.R. 30.516(2), as referenced by 310 C.M.R. 30.341(1)(a), a generator must prepare a written personnel training plan designed to ensure compliance with 310 C.M.R. 30.516(1). At a minimum, the training plan shall specify how personnel will be familiarized with the properties and hazardous nature of the hazardous waste at the facility and with emergency procedures, emergency equipment, emergency systems and personnel safety equipment. In addition, the following documents must be included with the training plan: (a) the job title for each position at the facility related to hazardous waste management; (b) a written job description for each position at the facility listed in (a); (c) a written description of the type and amount of both introductory and continuing training that will be given to each individual filling the position(s) listed in (a); and (d) records that document that the training or job experience required has been given to and satisfactorily completed by facility personnel.

45. At the time of the Inspection, Respondent did not have a hazardous waste training plan that met the requirements of 310 C.M.R. 30.516(2).

46. Respondent's failure to prepare a written personnel training plan at the facility, as set forth in paragraph 45, constitutes a violation of 310 C.M.R. 30.516(2), as referenced by 310 C.M.R. 30.341(1)(a).

**COUNT V: Failure to Conduct Hazardous Waste Training**

47. Complainant incorporates by reference the allegations of paragraphs 1-46 above.

48. Pursuant to 310 C.M.R. 30.516(1)(a), as referenced by 310 C.M.R. 30.341(1)(a), site personnel assigned to the management of hazardous waste must successfully complete a program of instruction or on-the-job training that teaches them to perform their duties in a way that ensures the site's compliance with 310 C.M.R. 30.000.

49. Pursuant to 310 C.M.R. 30.516(1)(c), as referenced by 310 C.M.R. 30.341(1)(a), site personnel must successfully complete the program required by 310 C.M.R. 30.516(1)(a) within six months of their employment or their being assigned to a position new to them at the facility.

50. Pursuant to 310 C.M.R. 30.516(1)(d), as referenced by 310 C.M.R. 30.341(1)(a), site personnel must take part in an annual review of the initial training required by 310 C.M.R. 30.516(1)(a).

51. Pursuant to 310 C.M.R. 30.516(1)(e), as referenced by 310 C.M.R. 30.341(1)(a)(4), a current copy of the training plan and training records on current personnel shall be kept on-site and remain available for inspection (by MassDEP) at all times while the generator is subject to 310 C.M.R. 30.000. Training records on former personnel shall be kept on-site and remain available for inspection (by MassDEP) for at least three years from the date such personnel last worked at the facility or until the generator is no longer subject to 310 C.M.R. 30.000, whichever comes first.

52. At the Inspection, the EPA inspectors requested three years of training records and the most recent training material being provided to employees that manage hazardous waste at the Facility. Respondent's employee, Marilyn Costa, provided a sign-in sheet and quiz from July

17, 2017 for employees who took an annual training on topics including Hazard Communication and Global Harmonization System, and Hazardous Materials and Hazardous Waste Handling. This training, however, did not include topics on how to perform hazardous waste management duties in a way to ensure the Facility's compliance with 310 C.M.R. 30.000.

53. Based on documents received by EPA and statements made during the Inspection by Ms. Costa about Respondent's training program, Respondent's employee, Joaquim Coutinho, who manages hazardous waste, signs hazardous waste manifests and was listed as the Alternative Emergency Coordinator in Respondent's hazardous waste contingency plan, had not received proper training in hazardous waste management procedures for a minimum of three years prior to the Inspection. In addition, at the time of the Inspection, Ms. Costa who, having signed at least one hazardous waste manifest in 2017 also has hazardous waste management responsibilities, had not received proper training in hazardous waste management procedures.

54. Respondent's failure to provide proper training to employees with hazardous waste management responsibilities, as set forth in paragraphs 52 and 53 above, constitutes violations of 310 C.M.R. 30.516(1)(a), (c), (d), and (e) as referenced by 310 C.M.R. 30.341(1)(a).

**COUNT VI: Failure to Maintain Up-To-Date Contingency Plan**

55. Complainant incorporates by reference the allegations of paragraphs 1-54 above.

56. Pursuant to 310 C.M.R. 30.521(1), as referenced by 310 C.M.R. 30.341(1)(b)(3), each generator shall have a contingency plan that addresses all on-site hazardous waste management units. Pursuant to 310 C.M.R. 30.010, the definition of "hazardous waste

management unit” means a contiguous area of land on or in which is placed hazardous waste or tanks or containers of hazardous waste.

57. Pursuant to 310 C.M.R. 30.521(8), as referenced by 310 C.M.R. 30.341(1)(b)(5), the contingency plan shall list the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator, and this list shall be kept up-to-date. If more than one individual is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates.

58. At the time of the Inspection, Respondent’s hazardous waste contingency plan, last revised in September 2010 for Plating Technology, Inc. d.b.a. Star Plating Company, listed Carlos P. Silva as the primary Emergency Coordinator, but Mr. Silva was not employed by Respondent at the time of the Inspection. At the time of the Inspection, Respondent’s hazardous waste contingency plan also listed Joaquim Coutinho as the alternative Emergency Coordinator, but Mr. Coutinho was employed as the Primary Emergency Coordinator at the time of the Inspection.

59. Respondent’s failure to have an up-to-date contingency plan, as set forth in paragraph 58, constitutes a violation of 310 C.M.R. 30.521(8), as referenced by 310 C.M.R. 30.341(1)(b)(5).

**COUNT VII: Failure to Post Required Hazardous Waste Signs**

60. Complainant incorporates by reference the allegations of paragraphs 1-59 above.

61. Pursuant to 310 C.M.R. 30.341(4), all areas where wastes are accumulated shall have posted at all times a sign with the words "HAZARDOUS WASTE" in capital letters at least one inch high.

62. At the time of the Inspection, no signs with the words "HAZARDOUS WASTE" in capital letters at least one inch high were posted:

- (a) in the area containing the sixteen 55-Gallon Containers of Waste;
- (b) in the area containing the Black 55-Gallon Container of Waste; and
- (c) in the area containing the Floor Area Waste.

63. Respondent's failure to post required hazardous waste signs, as set forth in paragraph 62, constitutes a violation of 310 C.M.R. 30.341(4).

**COUNT VIII: Failure to Provide Required Emergency Equipment and Information**

64. Complainant incorporates by reference the allegations of paragraphs 1-63 above.

65. Pursuant to 310 C.M.R. 30.524(2), as referenced by 310 C.M.R. 30.341(1)(e)(4), all hazardous waste management units shall be provided with certain emergency equipment and information, unless the generator determines and documents in its files that none of the hazards posed by waste handled at the site could require a particular kind of equipment specified in 310 C.M.R. 30.341(1)(e)5.a. and b. Among other things, the emergency equipment and information shall include:

- (a) An internal communications or alarm system capable of providing immediate emergency instruction, by voice or signal, to facility personnel;

(b) A device, immediately available at all areas of operations, such as a telephone or a hand-held two-way radio, call box, or other instrument capable of summoning emergency assistance from, and which is acceptable to, local police departments, fire departments, or Federal, State or local emergency response teams;

(c) A portable fire extinguisher; fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals; spill control equipment; and decontamination equipment; and

(d) Clear markings identifying all exits so that everyone in the facility during an emergency can quickly find their way out of the facility during the emergency.

(e) An up-to-date written list containing the following information, a copy of which list shall be prominently posted near the telephones at the site of accumulation.

1. The name(s) and telephone number(s) of the emergency coordinator(s)
2. The location(s) of the fire extinguisher(s) and spill control material(s), and, if present, the fire alarms.
3. The telephone number of the fire department, or, if there is a direct alarm system, instructions on how to activate it, or both.
4. Evacuation routes, where applicable.

66. At the time of the Inspection, the Facility lacked the emergency equipment and information identified in the previous paragraph in the following locations:

- (a) the area containing the sixteen 55-Gallon Containers of Waste;
- (b) the wooden shed containing the Roll-Off Container of Waste;

(c) the area containing the Floor Area Waste; and

(d) the area containing the Black 55-Gallon Container of Waste.

67. At the time of the Inspection, Respondent had not determined and documented in its files that none of the hazards posed by waste handled at the site could require a particular kind of equipment specified in 310 C.M.R. 30.341(1)(e)5.a. and b.

68. Respondent's failure to provide required emergency equipment and information, as set forth in paragraph 66, constitutes a violation of 310 C.M.R. 30.524(2), as referenced by 310 C.M.R. 30.341(1)(e)(4).

**Count: IX: Failure to Properly Label Containers of Hazardous Waste**

69. Complainant incorporates by reference the allegations of paragraphs 1-68 above.

70. Pursuant to 310 C.M.R. 30.341(2)(a), (b) and (c), each tank or container in which hazardous waste is being accumulated shall be clearly labeled throughout the period of accumulation with (a) the words "Hazardous Waste"; (b) the hazardous waste identified in words; and (c) the type of hazard(s) associated with the waste indicated in words (e.g. ignitable, toxic dangerous when wet).

71. At the time of the Inspection, Respondent had not labeled:

(a) the sixteen 55-Gallon Containers of Waste;

(b) the Roll-Off Container of Waste; and

(c) the Black 55-Gallon Container of Waste.

72. Respondent's failure to properly label containers of hazardous waste, as set forth in paragraph 71 above, constitutes a violation of 310 C.M.R. 30.341(2)(a), (b), (c) and (d).

**Count: X: Failure to Label Containers of Hazardous Waste with the Accumulation Date**

73. Complainant incorporates by reference the allegations of paragraphs 1-72 above.

74. Pursuant to 310 C.M.R. 30.341(2)(d), each tank or container in which hazardous waste is being accumulated shall be clearly labeled throughout the period of accumulation with the date upon which each period of accumulation begins.

75. At the time of the Inspection, Respondent had not labeled the following hazardous waste containers with the date upon which the period of accumulation began:

- (a) the sixteen 55-Gallon Containers of Waste; and
- (b) the Black 55-Gallon Container of Waste.

76. Respondent's failure to label containers of hazardous waste with the date upon which the period of accumulation began, as set forth in paragraph 75 above, constitutes a violation of 310 C.M.R. 30.341(2)(d).

**COUNT XI: Failure to Conduct Weekly Inspections of Hazardous Waste Storage Areas, Record Inspections and Keep Inspection Records for Three Years**

77. Complainant incorporates by reference the allegations of paragraphs 1-76 above.

78. Pursuant to 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(1)(d)(1), a generator must conduct weekly inspections of areas where containers of hazardous waste are stored looking for leaks and for deterioration caused by corrosion or other factors.

79. Pursuant to 310 C.M.R. 30.342(d)(2) and (3) a generator must record every inspection in an inspection log or summary, and keep the records of each inspection at the site of

generation for at least three years from the date of inspection or until final closure pursuant to 310 C.M.R. 30.342(1)(g), whichever period is longer.

80. At the time of the Inspection, weekly inspections were not being conducted at the Facility. When asked to produce the last three years of the Facility's inspection records, Respondent was unable to produce any. Respondent's employee, Marilyn Costa, stated that she was not aware of any inspections or records of inspections for at least two years prior to the date of Inspection.

81. Respondent's failure to conduct weekly inspections of areas where containers of hazardous waste were stored, to record those inspections, and to keep inspection records for at least three years from the date of inspection, as set forth in paragraph 80 above, constitutes violations of 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(d)(1), and 310 C.M.R. 30.342(d)(2) and (3).

**Count XII: Failure to Maintain Adequate Aisle Space**

82. Complainant incorporates by reference the allegations of paragraphs 1-81 above.

83. Pursuant to 310 C.M.R. 30.524(5), as referenced by 310 C.M.R. 30.341(1)(e)(6), the generator shall maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area within the hazardous waste management unit in an emergency, unless the generator determines and documents in its files that aisle space is not needed for any of these purposes.

84. Pursuant to 310 C.M.R. 30.685(4), as referenced by 310 C.M.R. 30.342(c), aisle spacing for container storage of hazardous waste shall be such that each row of containers can be

inspected to ensure compliance with the container management standards set forth at 310 C.M.R. 680.

85. At the time of the Inspection, aisle space between the sixteen 55-Gallon Containers of Waste did not allow for unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment, and did not allow for the containers to be adequately inspected to ensure compliance with container management standards.

86. At the time of the Inspection, Respondent had not determined and documented in its files that aisle space was not needed for the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to the sixteen 55-Gallon Containers of Waste.

87. Respondent's failure to maintain proper aisle space, as set forth in paragraphs 85 and 86, constitutes a violation of 310 C.M.R. 30.524(5), as referenced by 310 C.M.R. 30.341(1)(e)(6), and a violation of 310 C.M.R. 30.685(4), as referenced by 310 C.M.R. 30.342(c).

**Count XIII: Failure to Keep Hazardous Waste Containers Closed**

88. Complainant incorporates by reference the allegations of paragraphs 1-87 above.

89. Pursuant to 310 C.M.R. 30.685(1), as referenced by 310 C.M.R. 30.342(1)(c) and 310 C.M.R. 340(5)(a)(1), a container holding hazardous waste shall always be closed during storage, except when waste is being added or removed.

90. At the time of the Inspection, Respondent did not keep hazardous waste containers closed at all times when it was not adding or removing waste. Specifically, the following containers of hazardous waste were not closed at the time of the Inspection:

- (a) the sixteen 55-Gallon Containers of Waste;
- (b) the Roll-Off Container of Waste; and
- (c) the Black 55-Gallon Container of Waste.

91. Respondent's failure to always keep containers of hazardous waste closed during storage, except when waste is being added or removed, as set forth in paragraph 90, constitutes a violation of 310 C.M.R. 30.685(1), as referenced by 310 C.M.R. 30.342(1)(c) and 310 C.M.R. 340(5)(a)(1).

**Count XIV: Failure to Transfer Hazardous Waste To Containers in Good Condition**

92. Complainant incorporates by reference the allegations of paragraphs 1-91 above.

93. Pursuant to 310 C.M.R. 30.683, as referenced by 30 C.M.R. 30.342(1)(a), if a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator shall transfer the hazardous waste from this container to a container that is in good condition, or manage the hazardous waste in some other way that complies with the requirements of 310 C.M.R. 30.000.

94. At the time of the Inspection, the sixteen 55-Gallon Containers of Waste were severely rusted and dented and thus not in good condition.

95. Respondent's failure to transfer the hazardous waste from containers that were not in good condition to containers that were in good condition, or manage the hazardous waste in some other way that complies with the requirements of 310 C.M.R. 30.000, as set forth in paragraph 94, constitutes a violation 310 C.M.R. 30.683, as referenced by 30 C.M.R. 30.342(1)(a).

## **VI. COMPLIANCE ORDER**

96. Based on the foregoing findings, Respondent is hereby ordered to achieve and maintain compliance with all applicable requirements of RCRA and 310 C.M.R. 30.01 *et seq.* Specifically, Respondent shall do the following:

97. Immediately upon receipt of this Complaint, Respondent shall perform hazardous waste determinations for all wastes generated at the Facility, in accordance with 310 C.M.R. 30.302.

98. Immediately upon receipt of this Complaint, Respondent shall accumulate all hazardous waste in a container(s) or tank(s) or both, in accordance with 310 C.M.R. 30.340(4) and (5). Specifically, Respondent shall immediately cease the practice of accumulating the Floor Area Waste without the use of containers, tanks or both, transfer all presently accumulated Floor Area Waste to containers or tanks or both, and henceforth use containers or tanks or both for this F006 waste.

99. Immediately upon receipt of this Complaint, Respondent shall clearly mark all areas of the Facility where wastes are accumulated for purposes of complying with 310 C.M.R. 30.000 generally so that they are clearly distinguishable at all times from all specific points of

generation where wastes are initially accumulated solely for purposes of 310 C.M.R. 30.340(6), and from all areas at the site of generation where wastes are not accumulated, in accordance with 310 C.M.R. 30.341(5).

100. Within 30 days of receipt of this Complaint, Respondent shall prepare and maintain a written hazardous waste training plan in accordance with 310 C.M.R. 30.516(2), as referenced by 310 C.M.R. 30.341(1)(a), including but not limited to records that document that the training or job experience required has been given to and satisfactorily completed by facility personnel.

101. Within 60 days of receipt to of this Complaint, Respondent shall provide initial and annual hazardous waste training to employees with hazardous waste management responsibilities and document such trainings, in accordance with 310 C.M.R. 30.516(1)(a), (c), (d) and (e), as referenced by 310 C.M.R. 30.341(1)(a).

102. Immediately upon receipt of this Complaint, Respondent shall update its contingency plan with the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator, and if more than one individual is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates, in accordance with 310 C.M.R. 30.521(8), as referenced by 310 C.M.R. 30.341(1)(b)(5). Respondent shall also immediately submit a copy of the revised contingency plan to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency services, and MassDEP, in accordance with 310 C.M.R. 30.522.

103. Immediately upon receipt of this Complaint, Respondent shall post, and keep posted at all times, required signs with the words "HAZARDOUS WASTE" in capital letters at least one inch high in all areas where wastes are accumulated, in accordance with 310 C.M.R. 30.341(4).

104. Immediately upon receipt of this Complaint, Respondent shall provide required emergency equipment and information at all hazardous waste management units, in accordance with 310 C.M.R. 30.524(2), as referenced by 310 C.M.R. 30.341(1)(e)(4).

105. Immediately upon receipt of this Complaint, Respondent shall mark each container of hazardous waste with (a) the words "Hazardous Waste"; (b) the hazardous waste identified in words; (c) the type of hazard(s) associated with the waste indicated in words (e.g. ignitable, toxic dangerous when wet), in accordance with 310 C.M.R. 30.341(2)(a)(b) and (c).

106. Immediately upon receipt of this Complaint, Respondent shall mark each container of hazardous waste with the date upon which each period of accumulation began, in accordance with 310 C.M.R. 30.341(2)(d).

107. Immediately upon receipt of this Complaint, Respondent shall conduct weekly inspections of all areas where hazardous wastes are stored, and record those inspections in a log or summary and keep the records of each inspection for at least three years from the date of inspection or until final closure pursuant to 310 C.M.R. 30.342(1)(g), whichever period is longer, in accordance with 310 C.M.R. 30.686, as referenced by 310 C.M.R. 30.342(d)(1), and in accordance with 310 C.M.R. 30.342(2) and (3).

108. Immediately upon receipt of this Complaint, Respondent shall maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area within hazardous waste management units in an emergency, in accordance with 310 C.M.R. 30.524(5), as referenced by 310 C.M.R. 30.341(1)(e)(6), and to allow for the containers to be adequately inspected to ensure compliance with container management standards, in accordance with 310 C.M.R. 30.685(4), as referenced by 310 C.M.R. 30.342(c).

109. Immediately upon receipt of this Complaint, Respondent shall always keep containers of hazardous waste closed during storage, except when waste is being added or removed, in accordance with 310 C.M.R. 30.685(1), as referenced by 310 C.M.R. 30.342(1)(c) and 310 C.M.R. 340(5)(a)(1).

110. Immediately upon receipt of this Complaint, Respondent shall transfer hazardous waste from any container that is not in good condition (e.g., severe rusting, apparent structural defects) or is leaking to a container that is in good condition, in accordance with 310 C.M.R. 30683, as referenced by 30 C.M.R. 30.342(1)(a).

111. To ensure compliance with the requirements cited in paragraphs 96 through 110 above, Respondent shall submit to EPA, within 65 days of receipt of this Complaint, a written confirmation of compliance (accompanied by a copy of any appropriate supporting documentation, such as hazardous waste manifests) or noncompliance with the requirements set forth in paragraphs 96 through 110. Any notice of noncompliance with the requirements of paragraphs 96 through 110 shall state the reasons for the noncompliance and when compliance is

expected. Notice of noncompliance will in no way excuse the noncompliance. This statement shall specify all actions taken by Respondent to comply with paragraphs 96 through 110 of this Complaint.

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

113. Respondent shall submit the copies of any information, reports, and/or notices required by this Order to:

Linda Brolin, Environmental Engineer  
RCRA, EPCRA and Federal Programs Unit  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES05-4  
Boston, MA 02109-3912

and

John Hultgren, Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

114. 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(c), 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 19 provide for further enforcement action in which EPA may seek the imposition of penalties of up to \$97,229 for each day of continued noncompliance.

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

116. Upon receipt of a compliance order issued under RCRA section 3008(a), Respondent may seek administrative review in accordance with 40 C.F.R. Part 22. Respondent may seek judicial review of the compliance order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706, once it is final and reviewable pursuant to RCRA section 3008(b) and 40 C.F.R. Part 22.

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

## **VII. PROPOSED PENALTY**

118. In determining the amount of any penalty to be assessed, pursuant to Section 3008(a) of RCRA, EPA will take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. To assess a penalty for the alleged violations in this Complaint, Region 1 will take into account the particular facts and circumstances of this case as applied to the RCRA Civil Penalty Policy, dated June 2003, as revised (“Penalty Policy”). A copy of the Penalty Policy is enclosed with this Complaint. This Penalty Policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors identified above to a particular case. By this Complaint, Region 1 seeks to assess Respondent civil penalties of up to \$97,229 per day per violation of RCRA for:

- (a) One violation for failing to determine if a waste is a hazardous waste: The failure to make a hazardous waste determination is significant because without a proper waste

determination neither the owner/operator of a Facility nor regulators can be aware of which wastes must be managed as hazardous wastes.

(b) One violation for failing to accumulate hazardous waste in a tank or container: This violation is significant because it increases the likelihood that hazardous waste will be released, disturbed or exposed to humans, thus posing a risk to human health and the environment.

(c) One violation for failing to clearly mark hazardous waste storage areas: This violation is significant because the failure to clearly mark hazardous waste storage areas can lead to personnel accessing those areas without knowledge that dangers exist due to the presence of hazardous waste, and can lead to improper management of these areas, including a lack of weekly inspections and storage of hazardous waste for durations greater than the legal time limit. In addition, without proper marking of hazardous waste storage areas, emergency responders are less likely to be able to quickly determine the location of hazardous waste storage areas, potentially leading to a delayed and/or inadequate emergency response.

(d) One violation for failing to prepare a written hazardous waste training plan: This violation is significant because having a training plan makes it more likely that employees will be properly trained in hazardous waste management. Improper handling of hazardous wastes increases the likelihood of a release and worker exposure to hazardous wastes.

(e) Three violations for failing to conduct hazardous waste training: The failure to provide hazardous waste training is significant because only through proper training do employees learn how to handle hazardous waste safely. Improper handling of hazardous wastes increases the likelihood of a release and worker exposure to hazardous wastes.

(f) One violation for failing to maintain an up-to-date contingency plan: This violation is significant because a contingency plan is necessary to have a framework for making decisions during a waste chemical emergency, including a clear outline of the lines of communication among Facility personnel and a description of the actions Facility personnel shall take in response to potential or actual fires, explosions, or any other sudden or non-sudden releases of hazardous waste or hazardous waste constituents to the environment. This violation increased the potential that Facility personnel would not effectively communicate in a manner to optimally minimize the impact to human health and the environment in the event of a chemical emergency or release.

(g) One violation for failing to post required hazardous waste signs: This violation is significant because the failure to clearly mark hazardous waste storage areas can lead to personnel accessing those areas without knowledge that dangers exist due to the presence of hazardous waste, can lead to improper management of these areas, and can lead to a delayed and/or inadequate emergency response because emergency responders will be less likely to be able to quickly determine the location of hazardous waste storage areas.

(h) One violation for failing to provide required emergency equipment and information: The failure to provide the required emergency response equipment and information is

significant. In the event of a chemical emergency or release, a lack of proper emergency response equipment and information may lead to a delayed and inadequate emergency response.

(i) One violation for failing to properly label containers of hazardous waste: This violation is significant because the failure to label containers of hazardous waste can lead to improper management of such containers. In addition, without proper labeling, both agency inspectors and emergency responders are not able to tell what type of material is stored in the containers, potentially leading to a delayed and inadequate emergency response.

(j) One violation for failing to label containers of hazardous waste with the accumulation date: This violation is significant because the failure to label containers of hazardous waste can lead to improper management of such containers. Without dating containers of hazardous waste, it is impossible to visually determine if such containers have accumulated for the legal time limit of 90 or 180 days or less without the need for obtaining a permit. By labeling containers with the accumulation date, facilities can accurately determine how long hazardous wastes have been stored. The longer wastes are stored, the greater the likelihood of contamination/release or accidents due to leaks or spills.

(k) 104 violations for failing to conduct weekly inspections of hazardous waste storage areas, record inspections and keep inspection records for three years: These violations are significant because weekly inspections of hazardous waste storage areas are necessary

to ensure that hazardous waste management problems, such as open or unlabeled containers, are detected early and remedied promptly, thus reducing threats to human health and the environment. Moreover, a lack of inspections records that are stored on-site for sufficient time prevent facility personnel from being able to clearly demonstrate whether inspections revealed problems, and how and when such problems were remedied to prevent harm to human health and the environment.

(l) One violation for failing to maintain sufficient aisle space: This violation is significant because a lack of sufficient aisle space between stored containers of hazardous waste inhibits the unobstructed movement of personnel to properly inspect and manage hazardous waste container storage areas, and the unobstructed movement of emergency responders, fire control equipment, spill control equipment, and decontamination equipment to all parts of the hazardous waste storage area in the event of a fire, explosion, or any other sudden or non-sudden release of hazardous waste or hazardous waste constituents, potentially leading to delayed and inadequate emergency response. This violation also inhibits the ability of regulators to inspect the containers to ensure compliance with container management standards, which are designed to protect human health and the environment.

(m) One violation for failing to always keep hazardous waste containers closed during storage except when waste is being added or removed: This violation is significant because it increases the likelihood that hazardous waste will be released or spilled, thus posing a risk to human health and the environment.

(n) One violation for failing to transfer hazardous waste to containers in good condition:

This violation is significant because it increases the likelihood that hazardous waste will be released or spilled, thus posing a risk to human health and the environment.

119. Complainant will calculate a proposed penalty based, in part, on its current knowledge of Respondent's financial condition. Respondent shall pay the civil penalty with 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-01-2018-0036). The check shall be forwarded to:

U.S. EPA  
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:

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

and

John Hultgren, Esq.  
U.S. Environmental Protection Agency, Region 1  
Mail Code OES04-2  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109

### **VIII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER**

120. As provided by Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and in accordance with 40 C.F.R. § 22.15, Respondent has a right to request a hearing on the issues raised in this Complaint. Any such hearing would be conducted in accordance with Part 22. **To avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing, Respondent must file a written Answer within thirty (30) days of Respondent's receipt of this Complaint.** The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge. If Respondent has no knowledge of a particular fact and so states, the allegation is considered denied. Failure to admit, deny, or explain an allegation constitutes an admission of that allegation. Respondent's Answer must also state all arguments or circumstances that are alleged to constitute grounds for a defense; the facts that Respondent intends to place at issue; and must specifically request an administrative hearing if such a hearing is desired. If Respondent denies any material fact or raises any affirmative defense, Respondent will be considered to have requested a hearing. The Answer must be sent to:

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

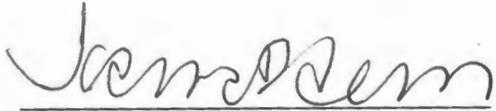
121. The filing and service of documents, other than the complaint, rulings, orders, and decisions, in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice may be filed and served by email, consistent with the "Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer," a copy of which has been provided with the Complaint.

**IX. DEFAULT ORDER**

122. 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 a hearing on 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 Complaint.

123. Whether or not a hearing is requested upon filing an Answer, Respondent may confer informally with the 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. Any settlement shall be made final by the signing of a Consent Agreement and Final Order by the Regional Judicial Officer, EPA Region 1. 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 John Hultgren, Enforcement Counsel, Office of Environmental Stewardship, EPA Region 1, who is also designated to receive service on behalf of Complainant, at the above address or at (617) 918-1761.

For Complainant:



Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Region 1

9/5/18  
Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

In the Matter of:

Southcoast Plating, Inc.  
41 Coffin Street  
New Bedford, MA 02746

Respondent

Proceeding under Section 3008(a) of the  
Resource Conservation Recovery  
Act, 142 U.S.C. § 6928(a)

**EPA Docket No. RCRA-01-2018-0036**

**CERTIFICATE OF SERVICE**

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

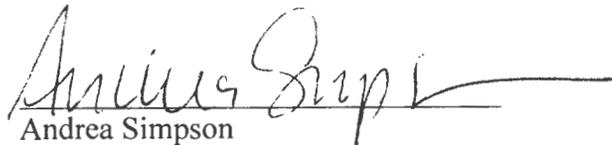
Original and One Copy  
(Hand-Delivered):

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

Copy, including  
40 C.F.R. Part 22  
(Certified Mail, Return Receipt  
Requested):

Carlton Neves, Owner  
Southcoast Plating, Inc., d.b.a. Star Plating Company  
41 Coffin Avenue  
New Bedford, MA 02746

Dated: 9/5/18



Andrea Simpson  
Senior Enforcement Counsel  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency – Region I  
5 Post Office Square - Suite 100 (OES04-2)  
Boston, MA 02109-3912  
Tel.: (617) 918-1738  
Fax: (617) 918-0738  
Email: simpson.andrea@epa.gov