

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:

Clean Harbors Environmental Services, Inc.
2247 South Highway 71
Kimball, Nebraska 69145

EPA ID Number NED981723513

Respondent.

Proceeding under Section 3008 (a) and (g) of
the Resource Conservation and Recovery Act
as amended, 42 U.S.C. § 6928(a) and (g).

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) COMPLAINT, COMPLIANCE
) ORDER, AND NOTICE OF
) OPPORTUNITY FOR HEARING
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) Docket No. RCRA-07-2009-0009
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I. PRELIMINARY STATEMENT

1. This Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") is issued pursuant to Section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA" or "the Act"), and the Hazardous and Solid Waste Amendments of 1984 ("HSWA"), 42 U.S.C. § 6928(a) and (g), and in accordance with the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), Title 40 Code of Federal Regulations ("C.F.R.") Part 22.
2. The Complainant is the Chief of the RCRA Enforcement and State Programs Branch of the United States Environmental Protection Agency ("EPA"), Region VII, who has been duly delegated the authority to bring this action. The Respondent is Clean Harbors Environmental Services, Inc., a company incorporated under the laws of Massachusetts and authorized to conduct business in the State of Nebraska.
3. The authority to execute this Complaint is provided to the Regional Administrators by EPA Delegation No. 8-9-A, dated March 20, 1985. The Regional Administrator has delegated this authority to the Chief of the RCRA Enforcement and State Programs Branch, Region VII, by EPA Delegation No. R7-8-9-A, dated June 15, 2005.

4. The State of Nebraska has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Nebraska has adopted by reference the federal regulations cited herein at pertinent parts of the Nebraska Administrative Code, Title 128 – Rules and Regulations Governing Hazardous Waste Management (hereinafter “Title 128”). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Nebraska has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

II. COMPLAINT

ALLEGATIONS COMMON TO ALL COUNTS

5. Respondent is a Massachusetts corporation authorized to conduct business in the State of Nebraska and is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).
6. Respondent operates a commercial hazardous waste incinerator located at 2247 South Highway 71 in Kimball, Nebraska (hereinafter “Facility”). As a result of these activities Respondent treats and stores hazardous waste as defined in Title 128, Chapter 1, Sections 117 and 130, and Chapters 2 and 3.
7. On or about November 17, 1988, the Nebraska Department of Environmental Quality (“NDEQ”) issued a Hazardous Waste Treatment and Storage Facility Permit to Respondent (“Respondent’s Permit”) for the treatment and storage of hazardous waste at the Facility. Respondent’s Permit was renewed on July 30, 1999, and several modifications to Respondent’s Permit were subsequently approved. Respondent’s Permit expired on July 30, 2004; however, the conditions of Respondent’s expired Permit were applicable at all times relevant to this action. On February 4, 2007, Respondent submitted a permit renewal application. Respondent’s Permit was renewed on July 10, 2009.
8. On or about March 1, 1996, Respondent notified EPA that it was a Large Quantity Generator of hazardous waste.
9. Respondent has been assigned the Facility identification number NED981723513.
10. On September 25-27, 2007, EPA conducted a RCRA compliance evaluation inspection (“EPA inspection”) at the Facility. On September 27, 2007, EPA issued a Notice of Violation to Respondent for violations of RCRA identified during the EPA inspection.

11. On April 15-17, 2008, NDEQ conducted an inspection ("NDEQ inspection") at the Facility to determine Respondent's compliance with Title 128 and Respondent's Permit. On May 21, 2008, NDEQ issued a Notice of Violation to Respondent for violations identified during the NDEQ inspection.

COUNT I

INADEQUATE CONTAINER MANAGEMENT

12. Complainant hereby incorporates the allegations contained in paragraphs 5 through 11 above, as if fully set forth herein.

Failure to Close Waste Containers

13. Respondent is subject to 40 C.F.R. § 264.173(a), adopted and incorporated by reference at Title 128, Chapter 21, Section 009, which provides that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

14. Part III.C.3.a. of Respondent's Permit requires that a container holding waste shall always be closed during storage, except when it is necessary to add or remove waste.

15. At the time of the EPA inspection, two roll-off boxes in Area 95 containing hazardous waste ash were open at a time when the Facility was not adding or removing waste.

16. At the time of the EPA inspection, two ash totes containing hazardous waste ash were open at a time when the Facility was not adding or removing waste.

17. At the time of the EPA inspection, one bag containing approximately 50 pounds of ammonium persulfate (D001 oxidizer) was open at a time when the Facility was not adding or removing waste.

18. Respondent's failure to close the hazardous waste roll-off boxes, totes and the ammonium persulfate bag is a violation of Permit Condition III.C.3.a, and 40 C.F.R. § 264.173(a), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.

Failure to Date Containers

19. Part VI.A. of Respondent's Permit requires, *inter alia*, compliance with the Land Disposal Regulations found at 40 C.F.R. § 268.50, which provides that the storage of hazardous wastes restricted from land disposal under subpart C Part 268 and of RCRA § 3004 is prohibited unless, *inter alia*, the requirements of 40 C.F.R. § 268.50(a)(2)(i) are met. 40 C.F.R. § 268.50(a)(2)(i) provides that each container must be clearly marked to identify its contents and the date each period of accumulation begins.

20. At the time of the EPA inspection, four roll-off containers in Area 25 were not marked to identify the date each period of accumulation begins. The containers contained a hazardous waste that is restricted from land disposal under subpart C Part 268 and of RCRA § 3004.

21. Respondent's failure to mark the four roll-off containers to identify the beginning date of each period of accumulation is a violation of Permit Condition VI.A, and 40 C.F.R. § 268.50(a)(2)(i).

Failure to Properly Manage Leaking Containers

22. Respondent is subject to 40 C.F.R. § 264.171, adopted and incorporated by reference at Title 128, Chapter 21, Section 009, which provides that if a container holding hazardous waste is not in good condition or if it begins to leak, the owner or operator must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirements of 40 C.F.R. Part 264.

23. Part III.C.1. of Respondent's Permit requires that if a container holding hazardous waste is severely rusted or has apparent structural defects, or if it begins to leak, the Permittee shall transfer the hazardous waste to a container that is in good condition or place the leaking container in an overpack or otherwise manage the waste in compliance with the conditions of Respondent's Permit.

24. At the time of the EPA inspection, a roll-off container holding hazardous waste in Area 25 was leaking. Respondent had not placed the leaking container in an overpack, or transferred the hazardous waste in the container to a container that was in good condition, or managed the waste in some other way that complied with the requirements of 40 C.F.R. Part 264 or Respondent's Permit.

25. At the time of the NDEQ inspection, two bulk containers holding hazardous waste in Area 50B were leaking, and a bulk container holding hazardous waste in Area 95 was leaking. Respondent had not placed the leaking container in an overpack, or transferred the hazardous waste in the container to a container that was in good condition, or managed the waste in some other way that complied with the requirements of 40 C.F.R. Part 264 or Respondent's Permit.

26. Respondent's failure to place the leaking containers in an overpack, or transfer the hazardous waste in the container to a container in good condition, or manage the waste in some other way that complies with the requirements of 40 C.F.R. Part 264 or Respondent's Permit is a violation of Permit Condition III.C.1., and 40 C.F.R. § 264.171, adopted and incorporated by reference at Title 128, Chapter 21, Section 009.

Open Universal Waste Lamp Container

27. Respondent is subject to the Universal Waste Lamp Requirements of 40 C.F.R. § 273.33(d) and Title 128, Chapter 25, Section 023.04, which provide that a large quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or

component of a universal waste to the environment, in accordance with the provisions of 40 C.F.R. §§ 273.33(d)(1) and (2) and Title 128, Chapter 25, Sections 023.04A and 023.04B.

28. 40 C.F.R. § 273.33(d)(1) and Title 128, Chapter 25, Section 023.04A provide, *inter alia*, that universal waste lamps must be contained in containers or packages that must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

29. 40 C.F.R. § 273.33(d)(2) and Title 128, Chapter 25, Section 023.04B provide, *inter alia*, that any lamp that is broken must be immediately cleaned up and placed in a container, and any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment must be placed in a container.

30. At the time of the EPA inspection, seven boxes of universal waste lamps in Building 50 were open. One box of universal waste lamps contained broken lamps that had spilled onto the floor and the spill was not immediately cleaned up.

31. Respondent's failure to keep containers of universal waste lamps in closed containers and in containers that lack evidence of leaking, spillage or damage and Respondent's failure to immediately clean up spilled universal waste is a violation of 40 C.F.R. § 273.33(d) and Title 128, Chapter 25, Section 023.04.

32. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$7,249 for the violations set forth in this Count I.

COUNT II

STORAGE OF INCOMPATIBLE WASTE

33. Complainant hereby incorporates the allegations contained in paragraphs 5 through 32 as if fully set forth herein.

34. Respondent is subject to 40 C.F.R. § 264.177(c), adopted and incorporated by reference at Title 128, Chapter 21, Section 009, which provides that a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

35. Parts II.G.1, II.G.2.a., and III.C.5.c. of Respondent's Permit require in pertinent part: (1) that Respondent take precautions to prevent accidental ignition or reaction of ignitable or reactive waste; (2) that Respondent take precautions to prevent reactions which generate extreme heat or pressure, fire or explosion, or violent reactions; and (3) that a storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers and tanks shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

36. Pursuant to Title 128, Chapter 21, Section 025, adopting and incorporating by reference 40 C.F.R. Part 264, Appendix V, ammonium persulfate, an oxidizer from Group 6-A, and various materials from Group 6-B including "other flammable and combustible wastes" are incompatible because of the potential to generate heat, fire, and innocuous and nonflammable gasses.

37. At the time of the EPA inspection, a pallet of ammonium persulfate bags (D001 oxidizer) was stored near containers of flammable liquids without separation or protection by means of a dike, berm, wall, or other device. Specifically, container number 13975882 (ammonium persulfate, D001 oxidizer) was stored on Rack 7, some containers of which were overhanging Rack 7, near the following containers of flammable waste, which were stored on the floor near the overhanging bags of ammonium persulfate:

- a. 13824273 (Non-RCRA hazardous, combustible liquid, 80-95% diesel mixed with water);
- b. 14081325 (D001/D002/D004-D011/F001-F006/etc. - Flammable Liquid/Corrosive);
- c. 14151918 (D001/F002/F003/F005- Flammable Liquid); and
- d. 14064152 (D001/D002/F003 - Flammable Liquid/Corrosive).

The pallet of ammonium persulfate, which held several bags, including 1 torn bag of ammonium persulfate, shared a common sump with the containers described above.

38. Respondent's failure to separate or protect by means of a dike, berm, wall, or other device the incompatible hazardous wastes identified above is a violation of Parts II.G.1, II.G.2.a., and III.C.5.c. of Respondent's Permit, and 40 C.F.R. § 264.177(c), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.

39. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$8,059 for the violations set forth in this Count II.

COUNT III

FAILURE TO MINIMIZE THE POSSIBILITY OF RELEASE OF HAZARDOUS WASTE TO THE ENVIRONMENT

40. Complainant hereby incorporates the allegations contained in paragraphs 5 through 39 as if fully set forth herein.

41. Respondent is subject to 40 C.F.R. § 264.31, adopted and incorporated by reference at Title 128, Chapter 21, Section 003, which provides that facilities must be designed, constructed, maintained, and operated to minimize 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.

42. Part II.A of Respondent's Permit requires in pertinent part that Respondent shall maintain, and operate the Facility as specified in the Permit and in Respondent's Permit application in a manner to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, surface or subsurface water which could threaten human health or the environment.

43. 40 C.F.R. § 260.10 defines "hazardous waste constituent" as a constituent that caused the Administrator to list the hazardous waste in part 261, subpart D, or a constituent listed in table 1 of § 261.24.

44. 40 C.F.R. § 261.30(b) provides that Appendix VII of part 261 identifies the constituent which caused the Administrator to list the waste.

Failure to Minimize Possibility of Release of Hazardous Waste Incinerator Ash

45. At the time of the EPA inspection, hazardous waste incinerator ash had accumulated under and around the K411 ash conveyor located outside in Area 80 at Respondent's Facility.

46. The hazardous waste incinerator ash that had accumulated under and around the K411 ash conveyor was caused by defective roller bearings on the K411 ash conveyor.

47. By allowing hazardous waste incinerator ash to accumulate under and around the K411 ash conveyor, Respondent failed to maintain and operate the Facility in order to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface or subsurface water which could threaten human health or the environment.

48. Respondent's failure to minimize the possibility of release of hazardous waste incinerator ash into the air, soil, surface or subsurface water which could threaten human health or the environment is a violation of Permit Condition II.A of Respondent's Permit, and 40 C.F.R. § 264.31, adopted and incorporated by reference at Title 128, Chapter 21, Section 003.

Failure to Minimize the Possibility of Release of Hazardous Waste Constituents From Building 55

49. At the time of the EPA inspection, Respondent processed listed and characteristic solid hazardous and non-hazardous waste in Building 55 by placing the wastes in shredders and mixing the waste in dump tanks.

50. Once waste is added to the Building 55 process unit, the waste carries all RCRA hazardous waste codes that Respondent is permitted to incinerate and is therefore hazardous waste.

51. At the time of the EPA inspection, waste was observed on the floor throughout Building 55, and two overhead doors on the north side and two overhead doors on the west side of Building 55 were open.

52. At the time of the EPA inspection, waste was located on the north and west concrete pads outside of Building 55 in front of the open doors.

53. At the time of the EPA inspection, EPA inspectors collected samples of the waste located on the concrete pads outside of Building 55, and sample results indicate that the waste contained hazardous waste constituents listed in Appendix VII to 40 C.F.R. § 261.

54. By allowing hazardous waste constituents to accumulate on the north and west concrete pads outside of Building 55 in front of the open doors, Respondent failed to maintain and operate the Facility in order to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface or subsurface water which could threaten human health or the environment.

55. The north concrete pad, where hazardous waste constituents were located at the time of the EPA inspection, slopes away from Building 55 toward an area of bare soil.

52. At the time of the EPA inspection, EPA inspectors collected samples of the soil on the northeast side of the north concrete pad described above which indicated that hazardous waste constituents had been released into the soil.

56. Respondent's failure to minimize the possibility of release of hazardous waste constituents from Building 55 into the air, soil, surface or subsurface water which could threaten human health or the environment is a violation of Permit Condition II.A of Respondent's Permit, and 40 C.F.R. § 264.31, adopted and incorporated by reference at Title 128, Chapter 21, Section 003.

57. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$35,460 for the violations set forth in this Count III.

COUNT IV

FAILURE TO MAKE HAZARDOUS WASTE DETERMINATIONS

58. Complainant hereby incorporates the allegations contained in paragraphs 5 through 57 as if fully set forth herein.

59. Respondent is subject to 40 C.F.R. § 262.11, adopted and incorporated by reference at Title 128, Chapter 4, Section 002, which provides that a person who generates a solid waste must determine if that waste is hazardous.

60. At the time of the EPA inspection, Respondent had generated solid waste in container #CH259163 (one 55-gallon drum, approximately full) and container #313978016 (one 30-gallon drum, approximately half full), located in Building 50. Respondent failed to conduct a hazardous waste determination on the solid waste in the above containers.

61. In a letter dated October 26, 2007, Respondent stated that one of the drums contained tetrachloroethylene, a D039 hazardous waste.
62. Respondent's failure to make a hazardous waste determination on the containers listed above is a violation of 40 C.F.R. § 262.11, adopted and incorporated by reference at Title 128, Chapter 4, Section 002.
63. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$805 for the violations set forth in this Count IV.

COUNT V

FAILURE TO MAINTAIN SECONDARY CONTAINMENT

64. Complainant hereby incorporates the allegations contained in paragraphs 5 through 63 as if fully set forth herein.

Cracks and Gaps in Secondary Containment for Container Storage Areas

65. Respondent is subject to 40 C.F.R. § 264.175(b), adopted and incorporated by reference at Title 128, Chapter 21, Section 009, which requires, *inter alia*, that container storage areas have a containment system that is designed and operated with a base underneath the containers which is free of cracks or gaps.
66. Part III.D.7.a. of Respondent's Permit requires, *inter alia*, that the base of the containment system for containers shall be free of cracks or gaps.
67. At the time of the EPA inspection, there were cracks or gaps in the west and east sides of Respondent's Area 25 container storage area.
68. At the time of the NDEQ inspection, there were cracks and gaps in the following container storage areas:
- a. Respondent's Area 25 container storage area,
 - b. Respondent's Area 40 container storage area; and
 - c. Respondent's Area 95 container storage area.
69. Respondent's failure to operate the Area 25, Area 40 and Area 95 container storage areas with a containment system with a base that is free of cracks or gaps is a violation of Permit Condition III.D.7.a. of Respondent's Permit, and 40 C.F.R. § 264.175(b), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.

Cracks and Gaps in Secondary Containment for Tanks

70. Part IV.B.6. of Respondent's Permit provides, *inter alia*, that secondary containment systems for tanks shall be maintained and operated as specified in Part B of Respondent's Permit Application to meet the requirements of Title 128, Chapter 21, Section 010, which adopts and incorporates by reference the requirements of 40 C.F.R. § 264.193(e).
71. Section 4.1.1. of Part B of Respondent's Permit Application provides that tanks at Respondent's Facility are either: (1) surrounded by an impervious concrete base and berms; (2) located within a concrete vault; or (3) equipped with double-walled tank construction.
72. 40 C.F.R. § 264.193(e)(1)(iii) requires that secondary containment consisting of external liner systems be free of cracks or gaps.
73. 40 C.F.R. § 264.193(e)(2)(iv) requires that secondary containment consisting of vault systems be provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete.
74. At the time of the EPA inspection, the following issues were identified in Area 70 of Respondent's Facility:
- a. Crack in the coating of the southeast corner of the secondary containment for tank T-361;
 - b. Numerous cracks in the coating south of tank T-110;
 - c. Uncoated concrete in the southeast corner of the secondary containment for tank T-124; and
 - d. Uncoated concrete in a portion of the North Truck Bay.
75. At the time of the NDEQ inspection, the following issues were identified in Area 70 of Respondent's Facility:
- a. Peeling coating at the seams of the containment structure under tanks T-320 and T-322;
 - b. Peeling coating at the seams of the containment system under tanks T-112, T-114, T-116, T-118, T-120 and T-124;
 - c. Peeling coating on the seal along the floor-wall junction of the containment system under tanks T-108 and T-110; and
 - d. Separation of the seal at the floor-wall junction of the containment structure for the North Truck Bay.
76. Respondent's failure to operate the Area 70 tank secondary containment structures free of cracks, gaps, and impervious coating is a violation of Permit Condition IV.B.6. of Respondent's Permit, and 40 C.F.R. §§ 264.193(e)(1)(iii) and 264.193(e)(2)(iv), adopted and incorporated by reference at Title 128, Chapter 21, Section 010.

77. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$129,620 for the violations set forth in this Count V.

COUNT VI

FAILURE TO PROPERLY MANAGE RECEIVED HAZARDOUS WASTE

78. Complainant hereby incorporates the allegations contained in paragraphs 5 through 77 as if fully set forth herein.

Failure to Resolve Manifest Discrepancy

79. Part II.K.4. of Respondent's Permit provides that Respondent is subject to the manifest discrepancy requirements of 40 C.F.R. § 264.72, adopted and incorporated by reference at Title 128, Chapter 21, Section 005 and Title 128, Chapter 14, Section 002.13.

80. 40 C.F.R. § 264.72(a)(1) defines "manifest discrepancies" as significant differences in quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives.

81. 40 C.F.R. § 264.72(b) defines "significant differences in type" as obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

82. 40 C.F.R. § 264.72(c) provides that upon discovering a significant difference in quantity or type the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

83. Part II.K.4. of Respondent's Permit and Title 128, Chapter 14, Section 002.13 provide that the notice of the discrepancy described above shall be submitted to the Director of NDEQ.

84. On February 27, 2008, Respondent received a shipment of hazardous waste for treatment and disposal from United Airlines. The shipment was accompanied by manifest number 001039225FLE. The shipment contained a drum labeled "contaminated debris." On March 4, 2008, Respondent discovered that the drum labeled "contaminated debris" contained an unspent oxygen generator that was not identified on the manifest.

85. The shipment and receipt of the unspent oxygen generator hazardous waste described above represented a significant difference in type of hazardous waste designated on the manifest number 001039225FLE.

86. On June 3, 2008, Respondent submitted a letter to the Director of NDEQ describing the discrepancy and noting that attempts had been made to reconcile the discrepancy, and included a copy of the manifest.

87. On June 9, 2008, Respondent shipped the unspent oxygen generator, under manifest number 001039225FLE, to another facility.

88. Respondent failed to immediately submit a letter to the Regional Administrator or the Director of NDEQ describing the significant difference in type of hazardous waste received, after failing to resolve the discrepancy within 15 days of receipt of the waste.

89. Respondent's failure to immediately submit a letter to the Regional Administrator or the Director of NDEQ describing the significant difference in type of hazardous waste received, after failing to resolve the discrepancy within 15 days of receipt of the waste, is a violation of Part II.K.4. of Respondent's Permit and 40 C.F.R. § 264.72, adopted and incorporated by reference at Title 128, Chapter 21, Section 005 and Title 128, Chapter 14, Section 002.13.

Failure to Document Hazardous Waste Container Location

90. Part II.K.1. of Respondent's Permit provides that Respondent must maintain a written operating record of the facility in accordance with the requirements of 40 C.F.R. § 264.73, adopted and incorporated by reference at Title 128, Chapter 21, Section 005.

91. Part II.K.1.b. of Respondent's Permit provides that Respondent must record and maintain in the operating record the location of each hazardous waste within the facility and the quantity at each location and must include cross references to specific manifest document numbers, if the waste was accompanied by manifest.

92. Respondent is subject to 40 C.F.R. § 264.73(b), which requires, *inter alia*, that the location of each hazardous waste within the facility and the quantity at each location must be recorded and maintained in the operating record... and must include cross references to manifest document numbers if the waste was accompanied by a manifest.

93. At the time of the NDEQ inspection, Respondent was storing the unspent oxygen generator described above outside the Facility's north fence. Respondent did not record the location or quantity of the unspent oxygen canister or the manifest document number in the Facility's operating record.

94. Respondent's failure to record the location or quantity of the unspent oxygen canister or the manifest document number in the Facility's operating record is a violation of Parts II.K.1. and II.K.1.b. of Respondent's Permit, and of 40 C.F.R. § 264.73, adopted and incorporated by reference at Title 128, Chapter 21, Section 005.

95. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$2,416 for the violations set forth in this Count VI.

COUNT VII

IMPROPER CONTROL OF AIR EMISSIONS FROM HAZARDOUS WASTE TANKS

96. Complainant hereby incorporates the allegations contained in paragraphs 5 through 95 as if fully set forth herein.

97. Part VI.D.3. of Respondent's Permit provides that Respondent shall comply with all applicable requirements of the regulations regarding organic vapor emissions from tanks and containers in 40 C.F.R. Part 264, Subpart CC, found at 40 C.F.R. §§ 264.1080 through 264.1091, adopted and incorporated by reference at Title 128, Chapter 21, Section 021.

98. The requirements of 40 C.F.R. Part 264, Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in, *inter alia*, tanks subject to 40 C.F.R. Part 264, Subpart J.

99. Building 55 of Respondent's Facility is an enclosure that contains Tanks H-150A and H-150B. Tanks H-150A and H-150B are subject to 40 C.F.R. Part 264, Subpart J and are thus subject to the requirements of 40 C.F.R. Part 264, Subpart CC.

100. 40 C.F.R. § 264.1082(b) states that the owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in §§ 264.1084 through 264.1087, as applicable to the hazardous waste management unit.

101. 40 C.F.R. §§ 264.1084(d)(1) through (5) provides five control options for owners and operators controlling air pollutant emissions from a tank.

102. Respondent is subject to 40 C.F.R. §§ 264.1084(d)(5), which requires that a tank located inside an enclosure is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in 40 C.F.R. § 264.1084(i).

103. Tanks H-150A and H-150B are located inside the Building 55 enclosure that is not vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in 40 C.F.R. § 264.1084(i). Specifically, Building 55 is vented to a carbon adsorption control device instead of an enclosed combustion control device.

104. Respondent's failure to control air pollutant emissions from the enclosed tanks H-150A and H-150B with an enclosed combustion control device is a violation of Part VI.D.3. of Respondent's Permit and 40 C.F.R. §§ 264.1082(b) and 264.1084(d)(5), adopted and incorporated by reference at Title 128, Chapter 21, Section 021

105. Pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), and based upon the allegations contained above, it is proposed that Respondent be assessed a civil penalty of \$20,753 for the violations set forth in this Count VII.

III. PROPOSED PENALTY

106. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are authorized for violations of Subchapter III of RCRA that occur between March 15, 2004 and January 12, 2009, and penalties of up to \$37,500 per day are authorized for violations that occur after January 12, 2009.

107. Based upon the facts alleged in this Complaint and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as discussed in the RCRA Civil Penalty Policy issued by EPA in June 2003, the Complainant proposes that Respondent be assessed a civil penalty of \$204,362 pursuant to Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), for the violations of RCRA alleged in this Complaint. These factors include the seriousness of the violations, the threat of harm to public health or the environment, any good faith efforts of Respondent to comply with the applicable requirements, as well as other matters as justice may require. The proposed penalty is summarized in the attached Penalty Computation Worksheet and may be adjusted if Respondent establishes bona fide issues relevant to the statutory factors for the assessment of the proposed penalty.

108. Unless Respondent files an Answer to this Complaint in accordance with 40 C.F.R. § 22.15, payment shall be made within 30 days of receipt of this Complaint by certified or cashier's check payable to "Treasurer of the United States" and remitted to:

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

A copy of said check shall be sent simultaneously by certified mail, return receipt requested, to:

Edwin G. Buckner, PE
AWMD/RESP
U.S. EPA Region VII
901 N. 5th St.
Kansas City, KS 66101.

The check must reference the EPA Docket Number of this Complaint and Respondent by name.

IV. COMPLIANCE ORDER

109. IT IS HEREBY ORDERED that within thirty (30) days of receipt of this Complaint, Respondent shall submit to EPA for review and approval a Compliance Plan describing all actions taken and/or planned by Respondent to ensure compliance with the following provisions of RCRA, Title 128, and Respondent's Permit that are the subject of this Complaint:

- a. Permit Condition III.C.3.a, and 40 C.F.R. § 264.173(a), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.
- b. Permit Condition VI.A, and 40 C.F.R. § 268.50(a)(2)(i).
- c. Permit Condition III.C.1., and 40 C.F.R. § 264.171, adopted and incorporated by reference at Title 128, Chapter 21, Section 009.
- d. 40 C.F.R. § 273.33(d) and Title 128, Chapter 25, Section 023.04.
- e. Permit Conditions II.G.1, II.G.2.a., and III.C.5.c., and 40 C.F.R. § 264.177(c), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.
- f. Permit Condition II.A., and 40 C.F.R. § 264.31, adopted and incorporated by reference at Title 128, Chapter 21, Section 003.
- g. 40 C.F.R. § 262.11, adopted and incorporated by reference at Title 128, Chapter 4, Section 002.
- h. Permit Condition III.D.7.a., and 40 C.F.R. § 264.175(b), adopted and incorporated by reference at Title 128, Chapter 21, Section 009.
- i. Permit Condition IV.B.6., and 40 C.F.R. §§ 264.193(e)(1)(iii) and 264.193(e)(2)(iv), adopted and incorporated by reference at Title 128, Chapter 21, Section 010.
- j. Permit Condition Part II.K.4., and 40 C.F.R. § 264.72, adopted and incorporated by reference at Title 128, Chapter 21, Section 005 and Title 128, Chapter 14, Section 002.13.
- k. Permit Conditions Parts II.K.1. and II.K.1.b., and of 40 C.F.R. § 264.73, adopted and incorporated by reference at Title 128, Chapter 21, Section 005.
- l. Permit Condition Part VI.D.3., and 40 C.F.R. §§ 264.1082(b) and 264.1084(d)(5), adopted and incorporated by reference at Title 128, Chapter 21, Section 021.

110. If EPA disapproves of Respondent's Compliance Plan in whole or in part, Respondent shall correct the deficiencies and resubmit the Compliance Plan within the timeframe specified by EPA. In the event the resubmitted Compliance Plan is disapproved by EPA, Respondent shall be deemed to have failed to submit the Compliance Plan in violation of the Compliance Order

section of this Complaint. If EPA approves the Compliance Plan, Respondent shall implement the Compliance Plan in accordance with the schedule therein.

111. Within one year of EPA's approval of Respondent's Compliance Plan, Respondent shall submit a Compliance Report to EPA for review and approval demonstrating Respondent's continuous compliance throughout the preceding year with the Compliance Plan and the provisions of RCRA, Title 128, and Respondent's Permit that are the subject of this Complaint. If EPA disapproves of Respondent's Compliance Report in whole or in part, Respondent shall correct the deficiencies and resubmit the Compliance Report within the timeframe specified by EPA. In the event the resubmitted Compliance Report is disapproved by EPA, Respondent shall be deemed to have failed to submit the Compliance Report in violation of the Compliance Order section of this Complaint.

112. Failure to comply with the requirements of the Compliance Order section of this Complaint shall subject Respondent to the assessment of penalties and suspension or revocation of Respondent's Permit in accordance with Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

113. All documents required to be submitted by the Compliance Order section of this Complaint shall be sent to the attention of:

Edwin G. Buckner, PE
AWMD/RESP
U.S. EPA Region VII
901 N. 5th St.
Kansas City, KS 66101.

114. In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and 40 C.F.R. § 22.37(b), the Compliance Order section of this Complaint shall become final unless Respondent requests a public hearing in writing to contest the appropriateness of the Compliance Order in accordance with the requirements of 40 C.F.R. § 22.15 no later than thirty (30) days after service of this Complaint.

V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

115. Respondent may request a hearing to contest any material fact contained in the Complaint, or to contest the appropriateness of the proposed penalty and/or Compliance Order, by filing an answer in accordance with the requirements of 40 C.F.R. § 22.15 of the Consolidated Rules of Practice, a copy of which is enclosed hereto. The answer and request for hearing must be filed with the Regional Hearing Clerk at:

Regional Hearing Clerk
U.S. EPA Region VII
901 N. 5th Street
Kansas City, Kansas 66101.

A copy of the answer and request for hearing and copies of any subsequent documents should also be sent to Mr. Jonathan Meyer, Office of Regional Counsel, at the same address.

116. Respondent's failure to file a written answer and request a hearing within thirty (30) days of service of this Complaint will constitute a binding admission of all allegations contained in the Complaint and a waiver of Respondent's right to a hearing. A Default Order may thereafter be issued by the Regional Judicial Officer, and the civil penalty proposed herein shall become due and payable without further proceedings.

117. Respondent's failure to request a public hearing in writing to contest the appropriateness of the Compliance Order within thirty (30) days after service of this Complaint shall automatically cause the Compliance Order section of this Complaint to become final.

VI. SETTLEMENT CONFERENCE

118. Whether or not Respondent requests a hearing, an informal conference may be requested in order to discuss the facts of this case in an attempt to arrive at settlement. To request a settlement conference, please contact Mr. Jonathan Meyer, Office of Regional Counsel, U.S. EPA Region VII, 901 N. 5th Street, Kansas City, Kansas 66101, (913) 551-7140.

119. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

120. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement as a result of an informal conference. However, no penalty reduction will be made simply because such a conference is held. Any settlement which may be reached as a result of such a conference shall be embodied in a written Consent Agreement and Final Order issued by the Regional Judicial Officer, U.S. EPA Region VII.

121. If Respondent has neither filed an answer nor requested a hearing within thirty (30) days of service of this Complaint, Respondent may be found in default. Default by the Respondent constitutes, for the purposes of this proceeding, admission of all allegations made in the Complaint and a waiver of Respondent's right to contest such factual allegations. A Default Order may thereafter be issued by the Presiding Officer and the civil penalties proposed shall be ordered without further proceedings and Respondent will be notified that the penalties have become due and payable.

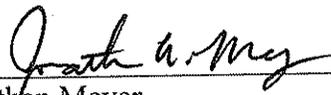
VII. EFFECTIVE DATE

122. This Complaint, Compliance Order, and Notice of Opportunity for Hearing shall become effective on the date signed by the Chief of the RCRA Enforcement and State Programs Branch, EPA Region VII.

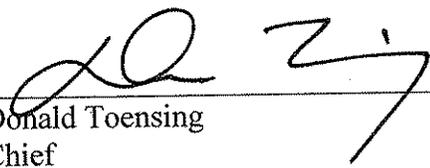
123. The Compliance Order section of this Complaint shall only be terminated upon receipt of written notice from EPA that all requirements herein have been satisfied.

IT IS SO ISSUED AND ORDERED:

9-24-09
Date


Jonathan Meyer
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region VII

9-23-09
Date


Donald Toensing
Chief
RCRA Enforcement and State Programs Branch
U.S. Environmental Protection Agency
Region VII

Attachments: Penalty Computation Worksheet
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
RCRA Civil Penalty Policy (June 2003)
Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand-delivered the original and one true copy of this Complaint, Compliance Order and Notice of Opportunity for Hearing to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

I further certify that on the date below I sent by certified mail, return receipt requested, a true and correct copy of the original Complaint, Compliance Order and Notice of Opportunity for Hearing; a copy of 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; a copy of the RCRA Civil Penalty Policy (June 2003); and a copy of the Civil Penalty Computation Worksheet; and a copy of the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings to the following registered agent for Clean Harbors Environmental Services, Inc.:

Clean Harbors Environmental Services, Inc.
c/o C T Corporation System
301 S 13th St., Suite 500
Lincoln, NE 68508-2578

I further certify that on the date below I sent by first class mail, a true and correct copy of the original Complaint, Compliance Order and Notice of Opportunity for Hearing to the following individuals:

Mr. Raeford Craig Lackey, Esquire
Vice President & Chief Counsel
Environmental Law & Litigation
Clean Harbors Environmental Services, Inc.
400 Arbor Lake Drive, Suite B-900
Columbia, SC 29223

Mr. David Haldeman
Administrator
Waste Management Division
Nebraska Department of Environmental Quality
1200 "N" Street, Suite 400
Lincoln, NE 68509-8922

Dated this 24th day of September 2009.

Kimberly K. Ford
Name Kimberly K. Ford

PENALTY COMPUTATION WORKSHEET

Clean Harbors Environmental Services, Inc.
 Kimball, Nebraska
 NED981723513

COUNT NUMBER I

Inadequate Container Management

1.	Gravity based penalty from matrix.....	\$1,933	
1(a)	Potential for harm.....	minor	μ
1(b)	Extent of deviation.....	moderate	m
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$387	
	Number of days of violation for multiday*.....	1	
	Number of days of violation for multiple occurrences.....	3	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$5,799	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	25%	
9.	Amount of penalty change.....	\$1,450	
	GRAVITY COMPONENT SUBTOTAL.....	\$7,249	
10.	ECONOMIC BENEFIT	\$0	
	COUNT I: PENALTY AMOUNT FOR COMPLAINT.....	\$7,249	

COUNT NUMBER II**Storage of Incompatible Waste**

1.	Gravity based penalty from matrix.....	\$6,447	
1(a)	Potential for harm.....	moderate	m
1(b)	Extent of deviation.....	minor	μ
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$1,290	
	Number of days of violation for multiday*.....	1	
	Number of days of violation for multiple occurrences.....	1	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$6,447	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	25%	
9.	Amount of penalty change.....	<u>\$1,612</u>	
	GRAVITY COMPONENT SUBTOTAL.....	\$8,059	
10.	ECONOMIC BENEFIT	<u>\$0</u>	
	COUNT II: PENALTY AMOUNT FOR COMPLAINT.....	\$8,059	

COUNT NUMBER III**Failure to Minimize the Possibility of Release of Hazardous Waste to the Environment**

1.	Gravity based penalty from matrix.....	\$14,184	
1(a)	Potential for harm.....	moderate	m
1(b)	Extent of deviation.....	major	M
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$2,837	
	Number of days of violation for multiday*.....	0	
	Number of days of violation for multiple occurrences.....	2	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$28,368	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	0%	
9.	Amount of penalty change.....	<u>\$0</u>	
	GRAVITY COMPONENT SUBTOTAL.....	\$35,460	
10.	ECONOMIC BENEFIT	<u>\$0</u>	
	COUNT III: PENALTY AMOUNT FOR COMPLAINT.....	\$35,460	

COUNT NUMBER IV

Failure to Make Hazardous Waste Determinations

1.	Gravity based penalty from matrix.....	\$644	
1(a)	Potential for harm.....	minor	μ
1(b)	Extent of deviation.....	minor	μ
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$129	
	Number of days of violation for multiday*.....	1	
	Number of days of violation for multiple occurrences.....	1	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$644	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	25%	
9.	Amount of penalty change.....	<u>\$161</u>	
	GRAVITY COMPONENT SUBTOTAL.....	\$805	
10.	ECONOMIC BENEFIT	<u>\$0</u>	
	COUNT IV: PENALTY AMOUNT FOR COMPLAINT.....	\$805	

COUNT NUMBER V

Failure to Maintain Secondary Containment

1.	Gravity based penalty from matrix.....	\$14,184	
1(a)	Potential for harm.....	moderate	m
1(b)	Extent of deviation.....	major	M
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$2,837	
	Number of days of violation for multiday*.....	0	
	Number of days of violation for multiple occurrences.....	6	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$85,104	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	25%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	50%	
9.	Amount of penalty change.....	<u>\$42,552</u>	
	GRAVITY COMPONENT SUBTOTAL.....	\$127,656	
10.	ECONOMIC BENEFIT	<u>\$1,964</u>	
	COUNT V: PENALTY AMOUNT FOR COMPLAINT.....	\$129,620	

COUNT NUMBER VI**Failure to Properly Manage Received Waste**

1.	Gravity based penalty from matrix.....	\$1,933	
1(a)	Potential for harm.....	minor	μ
1(b)	Extent of deviation.....	moderate	m
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell.....	\$387	
	Number of days of violation for multiday*.....	0	
	Number of days of violation for multiple occurrences.....	1	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$1,933	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	25%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	50%	
9.	Amount of penalty change.....	\$483	
	GRAVITY COMPONENT SUBTOTAL.....	\$2,416	
10.	ECONOMIC BENEFIT	\$0	
	COUNT VI: PENALTY AMOUNT FOR COMPLAINT.....	\$2,416	

COUNT NUMBER VII**Improper Control Air Emissions from Hazardous Waste Tanks**

1.	Gravity based penalty from matrix.....	\$1,933	
1(a)	Potential for harm.....	minor	μ
1(b)	Extent of deviation.....	moderate	m
	Percent of cell range from matrix.....	100%	
2.	Amount from the appropriate multiday matrix cell*.....	\$387	
	Number of days of violation for multiday.....	1	
	Number of days of violation for multiple occurrences.....	1	
3.	Multiday matrix total.....	\$0	
4.	TOTAL INITIAL PENALTY.....	\$1,933	
5.	Percent increase/decrease for good faith.....	0%	
6.	Percent increase for willfulness/negligence.....	0%	
7.	Percent increase for history of noncompliance.....	0%	
	Percent increase/decrease for other factors.....	0%	
8.	Total percent change.....	0%	
9.	Amount of penalty change.....	\$0	
	GRAVITY COMPONENT SUBTOTAL.....	\$1,933	
10.	ECONOMIC BENEFIT	\$18,820	
	COUNT VII: PENALTY AMOUNT FOR COMPLAINT.....	\$20,753	

Total RCRA Penalty Calculated for

Clean Harbors Environmental Services, Inc.

COUNT NUMBER I	7,249
COUNT NUMBER II	8,059
COUNT NUMBER III	35,460
COUNT NUMBER IV	805
COUNT NUMBER V	129,620
COUNT NUMBER VI	2,416
COUNT NUMBER VII	<u>20,753</u>

TOTAL:	204,362
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Total Economic Benefit Calculation
(included in above total)

COUNT NUMBER I	0
COUNT NUMBER II	0
COUNT NUMBER III	0
COUNT NUMBER IV	0
COUNT NUMBER V	1,964
COUNT NUMBER VI	0
COUNT NUMBER VII	<u>18,820</u>

Total BEN:	20,784
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