

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
BEFORE THE ADMINISTRATOR

RECEIVED

2009 JUN 30 P 2: 27

In the Matter of:)

Lin-Cor Environmental, LLC)
276 Dow Highway)
Eliot, Maine 03903)

RESPONDENT)

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

EPA Docket No. RCRA-01-2009-0081

EPA ORC
REGIONAL HEARING CLERK

WS

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

I. STATEMENT OF AUTHORITY

1. This Complaint, Compliance Order and Notice of Opportunity for Hearing (“Complaint”) is filed pursuant to Section 3008(a) of the 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), as further amended by the Federal Facility Compliance Act of 1992, 42 U.S.C. § 6961 (“FFCA”) 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. Complainant is the Manager of the Enforcement Office, Office of Environmental Stewardship, U.S. Environmental Protection Agency, Region 1 (“EPA”).

2. Complainant hereby notifies Lin-Cor Environmental, LLC (“Respondent”) of Complainant’s determination that Respondent has violated Section 3002 of RCRA, 42

U.S.C. § 6922; Title 38, Chapter 13 of the Maine Revised Statutes Annotated, 38 M.R.S.A. § 1301 et seq.; and the State of Maine Hazardous Waste Management Rules promulgated thereunder, codified at 06-096 Code of Maine Rules (“C.M.R”) Chapters 850 et seq. Complainant also provides notice of Respondent’s opportunity to request a hearing.

II. NATURE OF ACTION

3. This is an action under RCRA, 42 U.S.C. §§ 6901 et seq., seeking civil penalties and ordering compliance pursuant to Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for violations of the federal and state hazardous waste regulations promulgated pursuant to RCRA.

4. EPA has given notice of commencement of this action to the State of Maine, pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

III. RCRA STATUTORY AND REGULATORY FRAMEWORK

5. RCRA was enacted on October 21, 1976, and amended thereafter by, among other acts, the Hazardous and Solid Waste Amendments of 1984 (“HSWA”). RCRA established a program for the management of hazardous wastes, to be administered by the Administrator of EPA. The regulations promulgated by the Administrator are codified at 40 C.F.R. Parts 260 through 273.

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

7. On May 6, 1988, EPA granted Maine final authorization to administer its hazardous waste program in lieu of the federal government's base RCRA program. 53 Fed. Reg. 16264 (May 6, 1988). Final authorization of the Maine hazardous waste program became effective on May 20, 1988. Promulgated pursuant to Title 38, Chapter 13 of Maine Revised Statutes Annotated, 38 M.R.S.A. § 1301 et seq., Maine's federally authorized hazardous waste management regulations are codified as the State of Maine Hazardous Waste Management Rules at Chapters 850 et seq., 06-096 C.M.R. Ch. 850 et seq. Between November 1994 and August 1995, Maine submitted a draft program revision application for many of the rules promulgated by EPA between July 1, 1984 and June 30, 1990, and adopted by Maine in March 1994. Maine submitted its final application for these revisions on February 28, 1997. On June 24, 1997, EPA granted Maine final authorization for the revisions. 62 Fed. Reg. 34007 (June 24, 1997). The revisions to the Maine hazardous waste program became effective on August 25, 1997. On September 27, 2004, Maine submitted a final complete program revision application, seeking authorization for changes to its hazardous waste program that would allow it to meet EPA requirements. EPA granted Maine final authorization for the revisions, which became effective on January 10, 2005.

8. Pursuant to Sections 3008(a) and (g) and 3006(g) of RCRA, 42 U.S.C. §§ 6928(a) and (g) and 6926(g), EPA may enforce both the federally approved Maine hazardous waste program and 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 (RCRA Sections 3001-3023), 42 U.S.C. §§ 6921 - 6939e. The State of Maine is not authorized to implement certain hazardous

waste regulations promulgated pursuant to HSWA, which are, therefore, enforceable only by EPA. 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.

9. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as amended, provides for the assessment of a civil penalty not to exceed \$25,000 per day of noncompliance for each violation of the requirements of Subtitle C of RCRA by issuing an order assessing a civil penalty for any past or current violation of RCRA and requiring immediate compliance. Pursuant to the Debt Collection and Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996) (“DCIA”) and the regulations promulgated thereunder at 40 C.F.R. Part 19, the maximum civil penalty per day of non-compliance for each violation of the requirements of Subtitle C of RCRA occurring between March 15, 2004 and January 12, 2009 is \$32,500.

IV. GENERAL ALLEGATIONS

10. Respondent is Lin-Cor Environmental, LLC, located at 276 Dow Highway in Eliot, Maine (the “Facility”).

11. Respondent is a “person,” as that term is defined at Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

12. At all times relevant to the allegations set forth in this Complaint, Respondent has been the operator of the Facility, which constitutes an automobile and metal recycling, collection, and transfer facility.

13. On July 24, 1987, pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), Respondent notified EPA that it was a large quantity generator of hazardous wastes.

14. As a generator of hazardous waste, Respondent is subject to the State of Maine Hazardous Waste Management Rules at Chapters 850 et seq., 06-096 C.M.R. Ch. 850 et seq., as well as the federal regulations promulgated pursuant to HSWA for which Maine is not authorized.

15. Respondent is a “large quantity handler of universal waste,” as that term is defined at Chapter 850, Section 3A(14) of the Maine Hazardous Waste Management Rules, which incorporates 40 C.F.R. § 273.9 by reference.

16. On May 15, 2008, authorized representatives of EPA conducted a RCRA compliance evaluation inspection (the “Inspection”) of the Facility.

17. Based on the Inspection, Complainant has identified the following violations at the Facility.

V. VIOLATIONS

COUNT I - Failure to maintain and operate the Facility in order to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous wastes.

18. Complainant incorporates by reference the allegations of paragraphs 1-17 above.

19. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 8(B)(5), which incorporates 40 C.F.R. § 264.31 by reference, 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 that could threaten human health or the environment.

20. At the time of the Inspection, Respondent had established a hazardous waste storage area ("HWSA") in its Auto Preparation Area ("Garage") for the storage of waste gasoline for less than 90 days.

21. At the time of the Inspection, Respondent stored approximately fifteen 55-gallon drums of waste gasoline in the HWSA.

22. At the time of the Inspection, Respondent stored waste gasoline in old and rusted drums with inadequate secondary containment in the HWSA.

23. The HWSA was located in close proximity to several 275-gallon reclaimed gasoline storage tanks.

24. Gasoline is a commonly known flammable liquid with a flash point as low as -50° F, meaning that gasoline could ignite at any temperature above -50° F.

25. The HWSA contained combustible materials, including rags, paper, cardboard scraps, large collapsed cardboard boxes, empty plastic bottles, mechanical equipment, hoses and Tygon™ tubing, metal components and fragments, plugged in extension cords, pieces of trash, and gasoline and oil contaminated saw dust, dirt, and wood shavings.

26. During the Inspection, Respondent drained an automobile of fluid that had an odor of oil and gasoline onto the floor of the unsealed and unbermed Garage immediately adjacent to the HWSA.

27. During the Inspection, Respondent worked on an automobile in close proximity to the HWSA.

28. At the time of the Inspection, Respondent used processes and tools to dismantle vehicles that can generate metal-on-metal sparks and create heat. If sparks had come into contact with the waste gasoline, a fire or explosion could have occurred.

29. At the time of the Inspection, numerous large compressed gas cylinders, many with valves still attached and in varying stages of decay, were located throughout the Facility.

30. At the time of the Inspection, Respondent used heavy machinery at and throughout the Facility.

31. The compressed gas cylinders located throughout the Facility at the time of the Inspection could rupture from impact with machinery or container decay.

32. By storing highly ignitable waste gasoline and gas cylinders under conditions that could have resulted in a fire, explosion, or release of hazardous wastes, Respondent violated Chapter 851, Section 8(B)(5) of the Maine Hazardous Waste Management Rules.

COUNT II – Failure to properly label containers of hazardous wastes and universal wastes.

33. Complainant incorporates by reference the allegations of paragraphs 1-32 above.

34. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 8(B)(3), all containers used to store hazardous waste must be labeled or clearly marked with the words “Hazardous Waste.”

35. At the time of the Inspection, Respondent stored the following containers of hazardous wastes without labeling or marking them with the words “Hazardous Waste”:

- a. Five 55-gallon drums of waste gasoline, four of which were full and one of which was partially full, located in the detached truck flatbed in the HWSA;
- b. Nine, full, 55-gallon drums of waste gasoline placed within or overhanging the lip of a drip pan situated behind the truck flatbed in the Garage; and
- c. One, full, 55-gallon drum of waste gasoline located on the floor of the Garage behind the truck flatbed.

36. By storing fourteen, full, 55-gallon drums and one partially full, 55-gallon drum of waste gasoline that were not labeled or marked with the words "Hazardous Waste" at the Facility, Respondent violated Chapter 851, Section 8(B)(3) of the Maine Hazardous Waste Management Rules.

37. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 850, Section 3A(14), which incorporates 40 C.F.R. § 273.34(a) by reference, universal waste batteries must be labeled or clearly marked with one of the following phrases: "Universal Waste – Batteries," "Waste Batteries," or "Used Batteries."

38. At the time of the Inspection, Respondent stored the following universal waste batteries without labeling or marking them with the phrases "Universal Waste – Batteries," "Waste Batteries," or "Used Batteries":

- a. Two pallets of used automobile lead/acid batteries accumulated as universal waste, located indoors in the Non-Ferrous Metal Handling and Storage Area of the Facility; and

b. A single spent battery accumulated as universal waste, located in the back of a pickup truck outdoors at the Facility.

39. By storing two pallets of universal waste batteries and a single universal waste battery that were not labeled or marked with the phrases “Universal Waste – Batteries,” “Waste Batteries,” or “Used Batteries,” Respondent violated Chapter 850, Section 3A(14) of the Maine Hazardous Waste Management Rules.

COUNT III– Failure to label containers of hazardous wastes with the accumulation date.

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

41. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 8(B)(3), all containers used to store hazardous waste must be clearly marked with the date upon which each period of accumulation began.

42. At the time of the inspection, Respondent stored the following containers of hazardous wastes without marking them with the date upon which each period of accumulation began:

- a. One 55-gallon drum of waste gasoline, located in the detached truck flatbed in the HWSA;
- b. Nine 55-gallon drums of waste gasoline placed within or overhanging the lip of a drip pan situated behind the truck flatbed in the Garage; and
- c. One 55-gallon drum of waste gasoline located on the floor of the Garage behind the truck flatbed.

43. By storing eleven 55-gallon drums of waste gasoline that were not marked with the date upon which each period of accumulation began at the Facility, Respondent

violated Chapter 851, Section 8(B)(3) of the Maine Hazardous Waste Management Rules.

COUNT IV– Failure to post warning signs at or near the HWSA.

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

45. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 13(C)(7)(c)(i), which incorporates 40 C.F.R. § 264.14(c) by reference, a sign with the legend “Danger – Unauthorized Personnel Keep Out” must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion.

46. At the time of the inspection, Respondent stored hazardous wastes in the HWSA without a “Danger – Unauthorized Personnel Keep Out” sign posted at or near the HWSA in the Garage at the Facility.

47. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 13(C)(7)(c)(ii), which incorporates 40 C.F.R. § 264.17(c) by reference, “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

48. At the time of the inspection, Respondent stored ignitable wastes in the HWSA without a “No Smoking” sign posted at or near the HWSA in the Garage at the Facility.

49. By failing to post a “Danger – Unauthorized Personnel Keep Out” sign and a “No Smoking” sign at or near the HWSA in the Garage at the Facility, Respondent

violated Chapter 851, Sections 13(C)(7)(c)(i)-(ii) of the Maine Hazardous Waste Management Rules.

COUNT V – Failure to maintain adequate aisle space in the HWSA.

50. Complainant incorporates by reference the allegations of paragraphs 1-49 above.

51. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 8(C)(7)(b), aisle space between rows of hazardous waste containers must be at least 36 inches wide and sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control and decontamination equipment to any area of facility operation in any emergency. Additionally, hazardous waste containers stored in rows at the storage facility must not exceed a single container in width.

52. At the time of the inspection, Respondent stored approximately fifteen 55-gallon drums of waste gasoline, as well as additional 55-gallon drums of waste oil and coolant, in the HWSA at the Facility without sufficient aisle space.

53. At the time of the inspection, Respondent stored hazardous waste containers in rows exceeding a single container in width in the HWSA at the Facility.

54. By storing hazardous waste containers in the HWSA at the Facility without sufficient aisle space and in rows exceeding a single container in width, Respondent violated Chapter 851, Section 8(C)(7)(b) of the Maine Hazardous Waste Management Rules.

COUNT VI – Failure to provide a containment and collection system at the Facility.

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

56. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 13(B)(2), each building or separate container storage area must have a containment and collection system, the capacity of which must exceed 20% of the total capacity of all containers used to store wastes or 110% of the capacity of the largest container, whichever is greater.

57. At the time of the Inspection, Respondent stored approximately five 55-gallon drums of waste gasoline in an old, unlined, rusted truck flatbed, which was entirely open at the tailgate end, without adequate secondary containment.

58. At the time of the Inspection, Respondent stored approximately nine 55-gallon drums of waste gasoline within and overhanging the lip of a drip pan, without adequate secondary containment, situated behind the truck flatbed.

59. At the time of the Inspection, Respondent stored several drums of waste gasoline without any secondary containment.

60. By storing drums of waste gasoline without a containment and collection system of adequate capacity at the Facility, Respondent violated Chapter 851, Section 13(B)(2) of the Maine Hazardous Waste Management Rules.

COUNT VII – Failure to conduct daily inspections during regular business days of all containers of hazardous waste and failure to record inspections in a log book to be kept at the Facility.

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

62. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 13(D)(1) and (2), a generator must conduct daily inspections during regular business days of all containers of hazardous waste and record these inspections in a log

book that must be kept at the facility, in order to ensure that at least no containers are rusting, bulging, or leaking and that all hazardous wastes are stored and managed in accordance with the regulations.

63. At the time of the inspection, Respondent did not inspect the HWSA at the Facility for compliance with hazardous waste management standards on a daily basis during regular business days.

64. At the time of the inspection, Respondent did not record any inspections in a log book that was kept at the Facility.

65. By failing to conduct daily inspections of the HWSA at the Facility during regular business days and failing to record any inspections in a log book kept at the Facility, Respondent violated Chapter 851, Section 13(D)(1) and (2) of the Maine Hazardous Waste Management Rules.

COUNT VIII: Failure to conduct hazardous waste determinations.

66. Complainant incorporates by reference the allegations of paragraphs 1-65 above.

67. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 5, a generator of waste must determine if that waste is hazardous waste.

68. At the time of the Inspection, Respondent stored containers of waste at the Facility for which Respondent had not made hazardous waste determinations.

69. At the Facility, Respondent did not characterize the following containers of waste:

- a. Numerous large and old compressed gas cylinders, many with valves still attached and in varying stages of decay, located throughout the Facility;
- b. An approximately 1-gallon, crushed, open-topped container with unknown contents leaking onto the ground at the Facility; and
- c. Several aerosol spray cans, containing product, labeled "NAPA MAC 4810 Brake Parts Cleaner, Non-Chlorinated, Extremely Flammable," located in trash receptacles throughout the Facility.

70. By failing to conduct the aforementioned hazardous waste determinations, Respondent violated Chapter 851, Section 5 of the Maine Hazardous Waste Management Rules.

COUNT IX – Failure to develop and maintain an adequate hazardous waste contingency plan for the Facility.

71. Complainant incorporates by reference the allegations of paragraphs 1-70 above.

72. Pursuant to the Maine Hazardous Waste Management Rules at Chapter 851, Section 8(B)(5), which incorporates 40 C.F.R. §§ 264.51-264.56 by reference, each owner or operator must have a contingency plan, containing the required contents set forth in 40 C.F.R. § 264.52, for his/her facility that is designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

73. At the time of the inspection, Respondent did not have a contingency plan for the Facility that contained the required contents set forth in 40 C.F.R. § 264.52, including

the type, quantities, and locations of available emergency equipment; the addresses for the emergency coordinators and alternate coordinators; and arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services.

74. By failing to have a contingency plan containing the required contents set forth in 40 C.F.R. § 264.52 for the Facility, Respondent violated Chapter 851, Section 8(B)(5) of the Maine Hazardous Waste Management Rules.

VI. ORDER

Based on the foregoing findings, Respondent is hereby **ORDERED** to comply with the following requirements:

1. Immediately upon receipt of this Complaint, Respondent shall design, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous wastes or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment, in accordance with Chapter 851, Section 8(B)(5) of the Maine Hazardous Waste Management Rules, which incorporates 40 C.F.R. § 264.31 by reference. Specifically, Respondent shall store waste gasoline in structurally sound containers in the HWSA, remove debris from the HWSA, refrain from working on automobiles within close proximity to the HWSA, refrain from draining fluid from automobiles onto the floor of the Garage, refrain from operating any possible ignition source, and properly dispose of the decaying compressed gas cylinders located throughout the Facility.
2. Immediately upon receipt of this Complaint, Respondent shall properly label all containers of hazardous wastes and universal waste batteries, in accordance with

Chapter 851, Section 8(B)(3) and Chapter 850, Section 3A(14), respectively, of the Maine Hazardous Waste Management Rules.

3. Immediately upon receipt of this Complaint, Respondent shall properly label all containers of hazardous wastes with the beginning accumulation dates, in accordance with Chapter 851, Section 8(B)(3) of the Maine Hazardous Waste Management Rules.

4. Immediately upon receipt of this Complaint, Respondent shall post "Danger-Unauthorized Personnel Keep Out" signs and "No Smoking" signs at or near the HWSA in the Garage at the Facility, in accordance with the requirements of Chapter 851, Section 13(C)(7)(c)(i)-(ii) of the Maine Hazardous Waste Management Rules, which incorporate 40 C.F.R. § 264.14(c) and § 264.17(a), respectively, by reference.

5. Immediately upon receipt of this Complaint, Respondent shall provide adequate aisle space between containers of hazardous waste and shall maintain hazardous waste containers in rows that do not exceed a single container in width in the HWSA at the Facility, in accordance with Chapter 851, Section 13(C)(7)(b) of the Maine Hazardous Waste Management Rules.

6. Immediately upon receipt of this Complaint, Respondent shall provide a containment and collection system with adequate capacity for the hazardous waste containers stored at the Facility, in accordance with Chapter 851, Section 13(B)(2) of the Maine Hazardous Waste Management Rules.

7. Immediately upon receipt of this Complaint, Respondent shall conduct daily inspections of all hazardous waste containers at the Facility during regular business days and record these inspections in a log book that will be kept at the Facility, in accordance

with Chapter 851, Section 13(D)(1) and (2) of the Maine Hazardous Waste Management Rules.

8. Immediately upon receipt of this Complaint, Respondent shall conduct hazardous waste determinations for all wastes generated at the Facility, in accordance with Chapter 851, Section 5 of the Maine Hazardous Waste Management Rules.

9. Immediately upon receipt of this Complaint, Respondent shall develop and maintain a complete contingency plan, which includes the requirements of 40 C.F.R. § 264.52, to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, in accordance with Chapter 851, Section 8(B)(5) of the Maine Hazardous Waste Management Rules, which incorporates 40 C.F.R. §§ 264.51-264.56 by reference.

10. Within 30 days of receipt of this Complaint, Respondent shall submit to EPA written confirmation of its compliance (accompanied by a copy of any appropriate supporting documentation) or noncompliance with the requirements of this Order. The written confirmation also shall contain information regarding the hazardous waste removed from the Facility (i.e., copies of all hazardous waste manifests created since the Inspection) and the cost of coming into compliance with the requirements of this Order. Any notice of noncompliance required under this paragraph shall state the reasons for the noncompliance and when compliance is expected. Notice of noncompliance will in no way excuse the noncompliance.

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

12. Respondent shall submit the above required information and notices to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SAA)
Boston, Massachusetts 02114-2023
ATTN: Susann D. Nachmann (SER)

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

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

VII. PROPOSED PENALTY

Based on the nature, circumstances, extent and gravity of the above-cited violations, a civil penalty in the amount of one hundred eighty-two thousand, six hundred seventy-one dollars (\$182,671) is hereby proposed to be assessed against Respondent (see Attachment I to this Complaint explaining the reasoning for this penalty). The proposed civil penalty has been determined in accordance with Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).

For purposes of determining the amount of any penalty to be assessed, RCRA requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. To develop the proposed penalty in this Complaint, Complainant has taken into account the particular facts and circumstances of this case with specific reference to the RCRA Civil Penalty Policy dated June 2003. This

policy provides a rational, consistent, and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

<u>COUNT</u>	<u>PENALTY</u>
<u>Generator Violations</u>	
1. Failure to maintain and operate the Facility in order to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous wastes.	\$29,146
2. Failure to properly label containers of hazardous wastes and universal wastes.	\$22,567
3. Failure to label containers of hazardous wastes with the accumulation date.	\$8,382
4. Failure to post warning signs at or near the HWSA.	\$29,146
5. Failure to maintain adequate aisle space in the HWSA.	\$29,146
6. Failure to provide a containment and collection system at the Facility.	\$22,567
7. Failure to conduct daily inspections during regular business days of all containers of hazardous waste and failure to record inspections in a log book to be kept at the Facility.	\$22,567
8. Failure to conduct hazardous waste determinations.	\$10,768
9. Failure to develop and maintain an adequate hazardous waste contingency plan for the Facility.	\$8,382
TOTAL PROPOSED PENALTY	\$182,671

Payment of the penalty may be made by a cashier's or certified check, payable to the Treasurer, United States of America. Respondent should note on this check the

docket number of this Complaint (EPA Docket No. RCRA-01-2009-0081). The check should be forwarded to:

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

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

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

and

Amanda J. Helwig
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (SEL)
Boston, MA 02114-2023

VIII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

As provided by Section 3008(b) of RCRA, and in accordance with 40 C.F.R. § 22.14, 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. **A request for a hearing must be incorporated in a written answer filed with the Regional Hearing Clerk within thirty (30) days of receipt of this Complaint.** In its answer, Respondent may contest any material fact contained in the Complaint. The answer shall directly admit, deny, or explain each of the factual allegations contained in the Complaint and shall state: (1) the circumstances or arguments alleged to constitute the grounds of

defense; (2) the facts Respondent intends to place at issue; and, (3) whether a hearing is requested. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. Any failure by Respondent to admit, deny, or explain any material fact contained in the Complaint constitutes an admission of that allegation.

IX. DEFAULT ORDER

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 Compliance Order section of the Complaint.

X. SETTLEMENT CONFERENCE

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

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 request such a conference in this matter, Respondent should contact Amanda J. Helwig, Enforcement Counsel, Office of Environmental Stewardship, EPA Region I, who is hereby also designated to receive service for Complainant at the above address, at (617) 918-1180.

Susan Studlien
Susan Studlien
Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

06/30/09
Date

ATTACHMENT I

In the Matter of Lin-Cor Environmental, LLC Docket No. RCRA-01-2009-0081 Explanation of Proposed Penalty

The following represents the penalty calculation and justification for Lin-Cor Environmental, LLC (“Lin-Cor” or “Respondent”) located in Eliot, Maine addressing violations of certain requirements under the State of Maine Hazardous Waste Management Rules promulgated thereunder, codified at 06-096 Code of Maine Rules (“C.M.R.”) at Chapters 850 et seq.

A gravity-based penalty is being proposed for the violations in accordance with the RCRA Civil Penalty Policy, dated June 2003, and in accordance with the Debt Collection and Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996), and the regulations promulgated thereunder at 40 C.F.R. Part 19. Adjustment factors examined by EPA in determining the amount of the proposed penalty include: economic benefit of non-compliance; history of non-compliance; the degree of willfulness or negligence; good faith efforts; and other unique factors.

The alleged violations are based upon observations made by inspectors from the U.S. Environmental Protection Agency (“EPA”) during a Compliance Evaluation Inspection conducted at Respondent’s automobile and metal recycling, collection, and transfer facility in Eliot, Maine (“Facility”) on May 15, 2008 (“Inspection”).

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

1. Failure to maintain and operate the Facility in order to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous wastes.

Provisions Violated: 06-096 C.M.R. Chapter 851, Section 8(B)(5),
incorporating 40 C.F.R. § 264.31 by reference

At the time of the Inspection, Lin-Cor failed to maintain and operate the Facility in order to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous wastes.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – Lin-Cor’s largest quantity of hazardous waste consists of highly ignitable waste gasoline. Gasoline is one of the most commonly known flammable liquids and has a flash point as low as -50° F,

meaning that gasoline could ignite at any temperature above -50° F (almost any ambient indoor and outdoor temperature). Lin-Cor stored waste gasoline in compromised containment (i.e., old and rusted drums within inadequate secondary containment, surrounded by combustible material and debris) in and around the hazardous waste storage area (“HWSA”). During the Inspection, EPA observed Lin-Cor working on an automobile in close proximity to the stored waste gasoline. This activity creates a risk of ignition from random metal-on-metal sparks and generation of heat from the processes and tools used while working on vehicles. The possibility of the generation of a spark or heat in close proximity to highly flammable wastes that are stored in an unsafe manner could result in a fire, explosion, or release of hazardous wastes. During the Inspection, EPA also observed the active release of automobile fluid directly to the floor of the unsealed, unbermed Auto Preparation Area (“Garage”) near the HWSA. Lin-Cor’s storage and work practices not only could lead to a potential release, fire, or explosion, but they also hamper any emergency response efforts involving waste gasoline due to the overall inaccessibility of the HWSA.

Moreover, at the time of the Inspection, numerous large compressed gas cylinders, many with valves still attached and in varying stages of decay, were located throughout the Facility. Given Respondent’s use of heavy machinery, the uncontrolled storage of gas cylinders, and the constant influx and placement of automobiles throughout the Facility, the gas cylinders could rupture from impact or from simple container decay, which could cause harm to human health and/or release wastes that are potentially hazardous into the environment.

Accordingly, EPA determined that the potential for harm is major.

(b) Extent of Deviation – Major

Justification – Respondent stored a substantial amount of its hazardous waste in ways that failed to minimize the potential for a fire, explosion, or release to the environment. The cramped conditions, haphazard storage of containers and gas cylinders, and otherwise poor housekeeping standards observed in and around the HWSA and grounds of the Facility caused Lin-Cor to circumvent most hazardous waste management standards. Therefore, EPA determined that the extent of deviation is major.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Major
\$25,791-\$32,500
Penalty Amount Chosen - \$29,146 (mid-point)

2. **Failure to properly label containers of hazardous wastes and universal wastes.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 8(B)(3)

06-096 C.M.R. Chapter 850, Section 3A(14),
incorporating 40 C.F.R. § 273.34(a) by reference

At the time of the Inspection, Lin-Cor was storing containers of hazardous wastes and universal wastes without the proper labels at the Facility.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – It is impossible to visually determine if containers hold hazardous wastes without proper labeling. With regard to the storage of waste gasoline containers, Lin-Cor's lack of proper labeling increases the likelihood of improper management of these ignitable hazardous waste containers, which, in turn, increases the potential for fires, explosions, releases, or improper disposition of the hazardous wastes that could result in harm to human health and the environment. Additionally, without proper labeling identifying which containers actually store hazardous wastes, there is a potential for harm to emergency responders and Lin-Cor staff utilizing the containers or working near the containers. Emergency responders cannot immediately determine the proper response action for unidentified containers and their contents, nor can they visually determine how many containers may be involved in an emergency situation. Furthermore, Lin-Cor staff may inadvertently store incompatible wastes in close proximity or within the same container.

Potential for Harm to the Regulatory Program – This violation results in harm to the RCRA regulatory program since the proper labeling of hazardous waste remains paramount to the RCRA storage regulations associated with container management.

Accordingly, EPA has determined that the potential for harm is major.

(b) Extent of Deviation - Moderate

Justification – Since Lin-Cor generates a limited variety of hazardous waste streams (e.g., the primary hazardous waste at the Facility is waste gasoline) and some of the waste gasoline containers were marked with identifying words, EPA determined the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Moderate

\$19,343-\$25,790

Penalty Amount Chosen - \$22,567 (mid-point)

3. **Failure to label containers of hazardous wastes with the accumulation date.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 8(B)(3)

At the time of the Inspection, Lin-Cor did not properly label all waste gasoline containers stored at the Facility with the beginning accumulation dates.

Penalty Assessment

(a) Potential for Harm - Moderate

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – The failure to label waste gasoline containers at the Facility with the accumulation date causes the potential for harm to human health and the environment since it is impossible to visually determine how long these ignitable wastes have been stored without proper labeling. The failure to date hazardous waste containers increases the likelihood that wastes will be stored on-site for more than the time allowed for large quantity generators of hazardous wastes (namely, 90 days) without the benefit of protective management standards in a storage permit. The longer waste remains in storage, the more likely the chance of release to the environment, simultaneously increasing the potential for harm to human health. Nevertheless, at the time of the Inspection, Lin-Cor's files indicated that the Facility regularly manifested waste gasoline.

Potential for Harm to the Regulatory Program – This violation results in harm to the RCRA regulatory program. The failure to date containers of hazardous waste undermines the RCRA program that allows generators to store hazardous wastes for only 90 days. There are additional management requirements imposed on generators that store hazardous wastes for more than 90 days, which Lin-Cor did not have in place at the time of the Inspection.

Based on the foregoing factors, EPA determined that the potential for harm is moderate.

(b) Extent of Deviation – Moderate

Justification – Since Lin-Cor generates a limited variety of hazardous waste streams (e.g. the primary hazardous waste at the Facility is waste gasoline) and a

few of the waste gasoline containers were marked with fairly recent accumulation dates, EPA determined that the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Moderate/Moderate

\$6,448-\$10,315

Penalty Amount Chosen - \$8,382 (mid-point)

4. **Failure to post warning signs at or near the HWSA.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 13(C)(7)(c)(i), incorporating 40 C.F.R. § 264.14(c) by reference

06-096 C.M.R. Chapter 851, Section 13(C)(7)(c)(ii), incorporating 40 C.F.R. § 264.17(c) by reference

At the time of the Inspection, Lin-Cor failed to post “Danger – Unauthorized Personnel Keep Out” and “No Smoking” signs at or near the HWSA at the Facility.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – Posting appropriate warning signs, such as “Danger - Unauthorized Personnel Keep Out” and “No Smoking” signs, around a hazardous waste storage area (in this case, filled with ignitable waste gasoline and surrounded by tanks of reclaimed gasoline) is an important tool for mitigating the occurrence of emergency situations. Access to the HWSA by unauthorized personnel increases the risk that individuals without training in hazardous waste management will mishandle the wastes. Smoking in the vicinity of ignitable hazardous wastes poses risks of fires or explosions at facilities. Warning signs discourage and/or prevent unauthorized entry to the HWSA and alert all personnel in and around the HWSA to avoid dangerous activities (such as smoking) that might result in an emergency situation and cause substantial harm to human health and the environment.

Potential for Harm to the Regulatory Program – The RCRA regulatory program relies on owners and operators of facilities to implement the regulations. Lin-Cor’s failure to post warning signs at or near the HWSA, which restrict access to the HWSA, alert Lin-Cor employees and emergency responders to the presence of hazardous and ignitable wastes, and prohibit dangerous activities, undermines the RCRA regulatory program.

Accordingly, EPA determined that the potential for harm is major.

(b) Extent of Deviation - Major

Justification – The omission of proper warning signs identifying the HWSA, limiting access to the HWSA, and providing precautionary notices around extremely ignitable wastes constitutes a substantial deviation from the RCRA container management requirements. Thus, EPA determined that the extent of deviation is major.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Major

\$25,791-\$32,500

Penalty Amount Chosen - \$29,146 (mid-point)

5. **Failure to maintain adequate aisle space in the HWSA.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 8(C)(7)(b)

At the time of the Inspection, Lin-Cor stored hazardous waste containers in the HWSA at the Facility without sufficient aisle space and in rows exceeding a single container in width.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – The lack of sufficient aisle space between containers of waste gasoline in the HWSA at the Facility would severely hamper the timely and effective access of emergency response personnel and equipment in the event of an actual release, posing substantial risks to human health and the environment. Additionally, the waste gasoline containers in the HWSA were stored so compactly that conditions leading to a release from any of these containers may not have been readily detected or corrected by Lin-Cor employees.

Potential for Harm to the Regulatory Program – The RCRA regulatory program relies on owners and operators of facilities to properly store hazardous waste containers. Lin-Cor's failure to provide adequate aisle space between containers of waste gasoline undermines the implementation of the RCRA regulations.

Given that Lin-Cor stored fifteen 55-gallon drums containing ignitable waste gasoline, in addition to several 55-gallon drums containing waste oil and coolant, without sufficient aisle space in the HWSA, EPA determined that the potential for harm is major.

(b) Extent of Deviation - Major

Justification – Lin-Cor stored over 90 percent of the waste gasoline containers in the HWSA without adequate aisle space. Additionally, much of the existing aisle space in the HWSA was littered with rags, cardboard boxes, and empty bottles, among other debris. Accordingly, EPA determined that the extent of deviation is major.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Major

\$25,791-\$32,500

Penalty Amount Chosen - \$29,146 (mid-point)

6. Failure to provide a containment and collection system at the Facility.

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 13(B)(2)

At the time of the Inspection, Lin-Cor stored waste gasoline containers without a containment and collection system of adequate capacity at the Facility.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – Secondary containment and collection systems are designed to retain hazardous wastes in the event of a spill to minimize harm to human health and the environment from the releases. At the time of the Inspection, a drip pan in the Garage at the Facility was filled with nine 55-gallon drums of waste gasoline. The drip pan did not have sufficient capacity to retain waste gasoline from the drums in the event of a spill. At the time of the Inspection, Lin-Cor stored five 55-gallon drums of waste gasoline in an unlined truck flatbed, which was open at one end, at the Facility. The flatbed would not have retained any fluids in the event of a spill. Finally, Lin-Cor stored other drums of waste gasoline, oil, and/or coolant in the Garage without any secondary containment.

Potential for Harm to the Regulatory Program – Lin-Cor’s failure to provide adequate secondary containment for hazardous waste containers at the Facility undermines the RCRA regulatory program, which relies on owners and operators of facilities to implement the regulations designed to minimize the harmful effects of hazardous waste releases.

Accordingly, EPA determined that the potential for harm is major.

(b) Extent of Deviation - Moderate

Justification – Given that Lin-Cor employees at least attempted to establish secondary containment for a large percentage of the waste gasoline containers by using a drip pan and, albeit, a structurally unsound truck flatbed, EPA determined that the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Moderate
\$19,343-\$25,790
Penalty Amount Chosen - \$22,567 (mid-point)

7. **Failure to conduct daily inspections during regular business days of all containers of hazardous waste and failure to record inspections in a log book to be kept at the Facility.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 13(D)

At the time of the Inspection, Lin-Cor failed to conduct daily inspections of the HWSA at the Facility during regular business days and failed to record any inspections in a log book kept at the Facility.

Penalty Assessment

(a) Potential for Harm - Major

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – A generator’s failure to conduct daily inspections substantially increases the risk of harm to human health and the environment from fires, explosions, or releases since open, leaking, aging, or otherwise compromised containers of hazardous waste may go unnoticed and uncorrected for extended periods of time. Without the means to demonstrate that Lin-Cor conducted inspections of containers, storage areas, and safety equipment (e.g., inspection logs), EPA and state inspectors cannot determine, with certainty, if inspections actually occurred or whether corrective measures were implemented in a timely fashion when necessary.

Potential for Harm to the Regulatory Program – The RCRA regulatory program depends upon timely and accurate self-inspections by facility owners and operators to ensure that hazardous waste leaks, spills, and/or other problems are detected early and promptly remedied. The failure to conduct these activities has a substantial adverse effect on the regulatory program.

Accordingly, EPA determined that the potential for harm is major.

(b) Extent of Deviation - Moderate

Justification – Since Lin-Cor personnel observe and/or conduct work in the HWSA and its immediate surrounding area on most regular business days, EPA determined that the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Major/Moderate
\$19,343-\$25,790
Penalty Amount Chosen - \$22,567 (mid-point)

8. Failure to conduct hazardous waste determinations.

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 5

At the time of the Inspection, Lin-Cor stored containers of waste at the Facility for which it failed to conduct hazardous waste determinations.

Penalty Assessment

(a) Potential for Harm - Moderate

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – The proper management of hazardous wastes from generation to disposal is essential to environmental and human health protection. Proper management begins with the identification of each hazardous waste stream generated by facility operations. Without hazardous waste identification, such wastes could be stored in uncontrolled areas (as observed at Lin-Cor) where emergency responders, inspectors, and facility personnel might not recognize associated hazards, increasing the likelihood for mismanagement, improper disposal, release, fire, or explosion, thus creating significant potential for harm to human health and the environment.

Potential for Harm to the Regulatory Program – Significant regulatory harm results from failure to conduct hazardous waste determinations. If facilities fail

to perform these determinations, regulatory agencies cannot determine whether such facilities are properly managing all hazardous wastes in order to prevent threats to human health and the environment.

Lin-Cor conducted hazardous waste determinations for the waste gasoline, oil, and coolant stored in the HWSA at the Facility. However, Lin-Cor failed to characterize three waste streams at the Facility, including numerous compressed gas cylinders located throughout the property. Accordingly, EPA determined that the potential for harm is moderate.

(b) Extent of Deviation - Moderate

Justification – The majority of waste at Lin-Cor’s Facility consists of waste gasoline, waste oil, and waste coolant, all of which had undergone previous hazardous waste determinations at the time of the Inspection. The three uncharacterized waste streams represent a relatively small percentage of the total waste managed at the Facility. Nevertheless, one of these waste streams included numerous compressed gas cylinders located throughout the Facility that potentially posed a significant risk of harm to human health and the environment. Accordingly, EPA determined that the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Moderate/Moderate
\$6,448-\$10,315
Penalty Amount Chosen - \$8,382 (mid-point)

9. **Failure to develop and maintain an adequate hazardous waste contingency plan for the Facility.**

Provisions Violated – 06-096 C.M.R. Chapter 851, Section 8(B)(5),
incorporating 40 C.F.R. §§ 264.51-264.56 by reference

At the time of the Inspection, Lin-Cor failed to have a contingency plan for the Facility containing the required contents set forth in the regulations.

Penalty Assessment

(a) Potential for Harm - Moderate

Justification - The following factors were considered in determining the appropriate level of potential for harm:

Potential for Harm to the Environment – The primary function of a contingency plan is to establish a framework for making management decisions during a chemical emergency. As such, the contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned

sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water, or groundwater. Contingency planning is designed to minimize and/or prevent hazards to public health and safety, as well as the environment, in the case of the aforementioned emergency events. Contingency plans must clearly outline the communication chains for facility personnel in the event of an emergency, as well as describe the actions that facility personnel shall undertake and the equipment they must use in response to emergency situations. Lin-Cor engaged in some contingency planning, as it produced two contingency plans during the Inspection. However, neither plan contained all the required components. Even though the Facility contains limited types of hazardous wastes, failure to create and maintain a complete and comprehensive contingency plan could result in substantial harm to human health and the environment.

Potential for Harm to the Regulatory Program – Significant regulatory harm results from the failure to maintain an adequate contingency plan at a facility, as developing and implementing a complete contingency plan constitutes the foundation for hazardous waste emergency planning.

Based on the foregoing factors, EPA determined that the potential for harm is moderate.

(b) Extent of Deviation - Moderate

Justification – While Lin-Cor produced two contingency plans at the Facility during the Inspection, the plans lacked many significant requirements. Thus, EPA determined that the extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): Moderate/Moderate
\$6,448-\$10,315
Penalty Amount Chosen - \$8,382 (mid-point)

PENALTY FOR ALL VIOLATIONS:

\$182,671.00

CERTIFICATE OF SERVICE

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

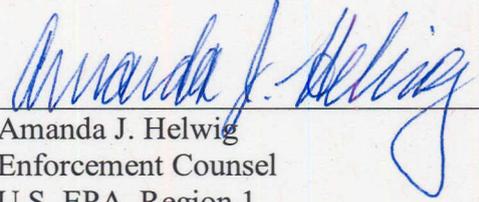
Original and one copy,
by hand:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114-2023

One copy of Complaint and
40 C.F.R. Part 22, by certified mail,
return receipt requested:

Ms. Linda Corbin
Manager
Lin-Cor Environmental, LLC
276 Dow Highway
Eliot, ME 03903

Date: 6/30/09


Amanda J. Helwig
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street, Suite 1100 (SEL)
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Phone: (617) 918-1180
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