

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for William D. Chin 9/8/10  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number TSCA-DI-2009-0052

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

CT Transfer and Recycling Co. LLC  
469 Brooklawn Ave.  
Fairfield, CT 06825

Total Dollar Amount of Receivable \$ 52,000 Due Date: 1/26/12

SEP due? Yes \_\_\_\_\_ No  Date Due \_\_\_\_\_

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ 13,000 on 9/3/10
- 2<sup>nd</sup> \$ 13,523.43 on 3/2/11
- 3<sup>rd</sup> \$ 13,523.43 on 4/29/11
- 4<sup>th</sup> \$ 13,523.43 on 1/26/12
- 5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

RECEIVED

AUG 04 2010

EPA ORC 013  
Office of Regional Hearing Clerk

August 4, 2010

Via Hand Delivery

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

RE: In the Matter of: Connecticut Transfer and Recycling Co., LLC  
Docket No. TSCA-01-2009-0052

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Consent Agreement and Final Order and a Certificate of Service.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "William D. Chin".

William D. Chin  
Enforcement Counsel

Enclosures

cc: William C. Spencer, Esq.

In the Matter of: Connecticut Transfer and Recycling Co., LLC  
Docket No. TSCA-01-2009-0052

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Complaint to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,  
by hand delivery:

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

One copy, by Certified Mail,  
Return Receipt Requested:

William C. Spencer, Esq.  
Offices of William C. Spencer, Esq.  
75 Glen Road  
Sandy Hook, CT 06482

Dated: \_\_\_\_\_

8/4/10



William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100 (Mail Code: OES4-4)  
Boston, MA 02109-3912

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

RECEIVED

AUG 04 2010

EPA ORC WS  
Office of Regional Hearing Clerk

In the Matter of: )  
)  
Connecticut Transfer and Recycling Co., LLC )  
469 Brooklawn Ave. )  
Fairfield, CT 06825 )  
)  
Respondent )  
)  
Proceeding under Section 16(a) )  
of the Toxic Substances Control )  
Act, 15 U.S.C. § 2615(a). )

Docket No.  
TSCA-01-2009-0052

**CONSENT AGREEMENT  
AND FINAL ORDER**

**CONSENT AGREEMENT**

1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 16(a) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615(a), and in accordance with 40 C.F.R. § 22.18 of EPA’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,” 40 C.F.R. Part 22 (“Consolidated Rules of Practice”).

**I. INTRODUCTION**

2. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, initiated this proceeding against Respondent, Connecticut Transfer and Recycling Co., LLC (“CTC”), by issuing an administrative complaint (“Complaint”), pursuant to Section 16 of TSCA, on June 26, 2009.

3. The complete factual and jurisdictional basis for proposing the assessment of civil penalties is set forth in the Complaint.

## **II. TERMS OF SETTLEMENT**

4. The provisions of this Consent Agreement and Final Order (“CAFO”) shall apply to and be binding on Respondent, its officers, directors, successors and assigns.

5. Respondent agrees that EPA has jurisdiction over the subject matter alleged in the Complaint, and hereby waives any defenses it might have as to jurisdiction and venue.

6. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding and hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.

7. Respondent hereby waives its right to appeal the Final Order accompanying this Consent Agreement.

8. Without admitting or denying the facts and violations alleged in the Complaint, Respondent consents to the terms and issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty as set out in this CAFO.

### **Cleanup Activities**

9. Respondent certifies that it will comply with 40 C.F.R. §§ 761.61(a) and (c) to cleanup the release of PCB-containing oil from one indoor transformer (General Electric #G857381) and four outdoor transformers (Westinghouse #529368, Westinghouse #529369, Westinghouse #529370, and General Electric #7022501) at Respondent’s facility located at 560 North Washington Avenue, Bridgeport, Connecticut.

a. With the exceptions of the disposal of bulk PCB remediation wastes [40 C.F.R. § 761.61(a)(5)(i)(B)] and cleanup verification [40 C.F.R. § 761.61(a)(6)], all requirements and

procedures of 40 C.F.R. § 761.61(a) must be met by Respondent, including but not limited to § 761.61(a)(4) - *Cleanup levels*.

b. Respondent shall dispose of all of the bulk PCB remediation waste from the cleanup at an EPA permitted or state authorized hazardous waste landfill or an approved PCB disposal facility. *See* 40 C.F.R. §§ 761.61(a)(5)(i)(B)(2)(iii).

c. Respondent shall perform verification of the cleanup in accordance with a post-cleanup sampling plan that must be submitted in writing to, and approved by, EPA in accordance with 40 C.F.R. § 761.61(c). Respondent shall submit a proposed post-cleanup sampling plan to EPA by no later than seven (7) days of completion of the cleanup. Respondent shall not conduct cleanup verification prior to obtaining written approval from EPA of the post-cleanup sampling plan.

d. If Respondent wishes to deviate from any of the prescribed requirements of 40 C.F.R. § 761.61(a), a written request must be submitted to, and approved by, EPA in accordance with 40 C.F.R. § 761.61(c). Per 40 C.F.R. § 761.61(c)(2), EPA will approve such a request if EPA finds that the method will not pose an unreasonable risk of injury to health or the environment.

e. The cleanup of both the indoor and outdoor areas described above as well as verification of the cleanup must be completed within 12 months of the effective date of this CAFO in accordance with 40 C.F.R. § 761.61(a) or, as an alternative, in accordance with an Approval issued under 40 C.F.R. § 761.61(c).

f. Respondent shall allow any authorized representative of the Administrator of the EPA to inspect the facility and to inspect records and take samples as may be necessary to

determine compliance with the PCB regulations and this CAFO. Any refusal by Respondent to allow such an inspection (as authorized by Section 11 of TSCA) shall constitute a violation of this CAFO.

g. Within seven days prior to commencement of the cleanup activities, Respondent shall notify EPA of the planned commencement of the cleanup activities. Respondent shall also submit a periodic progress report to EPA every 30 days after the commencement of the cleanup activities. Each periodic progress report shall briefly describe the cleanup activities undertaken by Respondent during the prior 30-day period and the cleanup activities expected to be undertaken during the subsequent 30-day period. Within 60 days of completion of the cleanup activities, Respondent shall submit a final completion report to EPA. At a minimum, this final completion report shall include: a short narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests; copies of certificates of disposal or similar certifications issued by the disposer; and the cost of the cleanup activities.

h. The post-cleanup sampling plan and all notices and reports required under this Paragraph must be submitted in writing (via either certified mail or email) to:

Marianne Milette  
PCB Enforcement Coordinator  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: OES05-4  
Boston, MA 02109-3912  
Email: [milette.marianne@epa.gov](mailto:milette.marianne@epa.gov)

i. The failure to complete the cleanup activities in accordance with 40 C.F.R. § 761.61(a) and the terms of this CAFO or, as an alternative, in accordance with an Approval issued under 40 C.F.R. § 761.61(c), or to notify EPA of the commencement of the cleanup activities or to submit a periodic progress report or the final completion report within the specified time frames shall be deemed a violation of this CAFO, and Respondent shall become liable for stipulated penalties pursuant to Paragraph 16 herein.

10. After consideration of the nature of the violations alleged in the Complaint, and other relevant factors, Complainant has determined that it is fair and proper that Respondent pays a civil penalty in the amount of \$52,000 (plus interest) in settlement of this matter.

Penalty Payment

11. Respondent shall pay the civil penalty set forth in this CAFO (plus interest) in accordance with the following schedule:

- a. \$13,000 within 30 days of the effective date of this CAFO;
- b. \$13,523.43 within 210 days of the effective date of this CAFO;
- c. \$13,523.43 within 390 days of the effective date of this CAFO; and
- d. \$13,523.44 within 540 days of the effective date of this CAFO.

12. If Respondent fails to pay any installment of the civil penalty by the required date, then the remaining balance of the civil penalty plus interest at the rate specified in 31 C.F.R. § 901.9(b)(2) shall automatically and immediately become due and payable. The method of payment shall be in accordance with the provisions of Paragraph 14 herein.

13. This CAFO shall be effective on the date it is filed with the Regional Hearing Clerk.



14. Respondent shall make each penalty payment by submitting a bank, cashier's or certified check, payable to the order of the "Treasurer, United States of America," to:

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

Respondent shall note the case name ("In the Matter of: Connecticut Transfer and Recycling Co., LLC") and the docket number ("TSCA-01-2009-0052") of this action on each payment check and in an accompanying cover letter, and shall provide copies of each check and letter to:

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

and:

William D. Chin  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912

15. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will begin to accrue on the civil penalty if it is not paid within 30 calendar days of the effective date of this CAFO. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including

report on the cleanup activities, as described above in Paragraph 9, Respondent shall pay a stipulated penalty to the United States in accordance with the following schedule: for the initial thirty days of violation, a \$100 penalty for each day until the notice or report is submitted, and for each subsequent day thereafter, an additional \$250 penalty for each day until such notice or report is submitted.

17. The determination of whether the cleanup activities conducted in accordance with 40 C.F.R. § 761.61(a) and the terms of this CAFO or, as an alternative, conducted under an Approval issued under 40 C.F.R. § 761.61(c), have been satisfactorily completed or complied with shall be in the sole discretion of EPA.

18. Respondent shall pay stipulated penalties plus any interest thereon within fifteen (15) days of receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of Paragraph 14 herein. EPA may, in its sole discretion, elect not to seek stipulated penalties or to waive any portion of stipulated penalties that accrue pursuant to this CAFO.

#### Additional Provisions

19. The civil penalty and any stipulated penalties, interest, non-payment penalties, and/or other charges, shall represent penalties assessed by EPA and shall not be deductible for federal tax purposes.

20. Compliance with this CAFO, including payment of any penalties, interest, or other charges, shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and does not waive, suspend, or modify the responsibility of Respondent to comply with such laws and regulations.

21. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA for the specific violations alleged in this CAFO. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or, with respect to matters other than the allegations and violations alleged in the Complaint, violations of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any other applicable provision of law. Nor shall this CAFO be construed to, nor is it intended to operate in any way to, resolve any criminal liability or any other civil liability of Respondent.

22. Except as described in Paragraph 15 herein, each party shall bear its own costs and fees in this proceeding.

23. Each undersigned representative of a party to this CAFO certifies that she or he is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to it.

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: Connecticut Transfer Co., LLC, Docket No. TSCA-01-2009-0052.

For Connecticut Transfer and Recycling Company, LLC :



Kimberly Angelico, Member

Name: Kimberly Angelico

Date July 6 - 2010

Title: Member

Connecticut Transfer and Recycling Company, LLC

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: Connecticut Transfer and Recycling Co., LLC, Docket No. TSCA-01-2009-0052.

For U.S. EPA, Region 1:



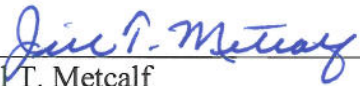
\_\_\_\_\_  
Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA, Region 1




\_\_\_\_\_  
Date

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is ordered to comply with the terms of the above Consent Agreement, effective on the date it is filed with the Regional Hearing Clerk.

  
\_\_\_\_\_  
Jill T. Metcalf  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

  
\_\_\_\_\_  
Date