

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Joy Sun 9/26/12  
Name of Case Attorney Date

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

Case Docket Number RCRA-01-2012-0023

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:

Spec Plating Incorporated  
740 Seaview Ave  
Bridgeport, CT 06607

Total Dollar Amount of Receivable \$ 112,919 Due Date: 10/26/12

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

Installment Method (if applicable)

INSTALLMENTS OF:  
1<sup>st</sup> \$ 35,182 on 11/25/12  
2<sup>nd</sup> \$ 26,752 on 3/25/13  
3<sup>rd</sup> \$ 26,363 on 6/23/13  
4<sup>th</sup> \$ 26,168 on 9/21/13  
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 – New England  
5 Post Office Square - Suite 100  
Boston, Massachusetts 02109-3912

BY HAND

September 26, 2012

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

Re: *In the Matter of Spec Plating Incorporated*  
Docket No. RCRA-01-2012-0023

Dear Ms. Santiago,

Enclosed for filing is the original and one copy of a fully executed Consent Agreement and Final Order in the above-referenced matter.

Please contact me at (617) 918-1018 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be "Joy Sun", with a long horizontal flourish extending to the right.

Joy Sun

Enclosures

cc: David Speranzini, Esq., counsel for Spec Plating, Inc.

RECEIVED

SEP 26 2012

EPA ORC *WS*  
Office of Regional Hearing Clerk

**In the Matter of Spec Plating Incorporated**  
**Docket Number: RCRA-01-2012-0023**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Consent Agreement and Final Order 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. Environment Protection Agency, Region I  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, MA 02109-3912

One Copy, by Certified Mail,  
Return Receipt Requested:

Mr. Geoffrey Scott  
Spec Plating Incorporated  
740 Seaview Avenue  
Bridgeport, Connecticut 06607

Date: 9/26/12



---

Joy Sun  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1018  
Fax: (617) 918-0018

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

RECEIVED  
SEP 26 2012  
EPA ORC WS  
Office of Regional Hearing Clerk

\_\_\_\_\_  
In the Matter of: )  
)  
Spec Plating Incorporated )  
740 Seaview Avenue )  
Bridgeport, Connecticut 06607 )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No.  
RCRA-01-2012-0023  
  
CONSENT AGREEMENT AND  
FINAL ORDER

**CONSENT AGREEMENT**

**I. Introduction**

1. Complainant, the United States Environmental Protection Agency (“EPA”), Region 1, alleges that Respondent, Spec Plating Incorporated (“Respondent” or “Spec”), has violated 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).

2. Complainant and Respondent agree to simultaneously commence and settle this action by the issuance of this Consent Agreement and Final Order (“CAFO”) as provided under 40 C.F.R. § 22.13(b) 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.

**II. Statutory and Regulatory Authority**

3. Complainant takes this action under RCRA, 42 U.S.C. §§ 6901 et seq., seeking civil penalties and ordering compliance with RCRA 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 under RCRA.

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

5. RCRA was enacted on October 21, 1976, and amended thereafter by, among other things, the Hazardous and Solid Waste Amendments of 1984 (“HSWA”). Subchapter III of RCRA establishes a comprehensive federal regulatory program for the management of hazardous waste. See 42 U.S.C. §§ 6921-6939e. Pursuant to Subchapter III of RCRA, EPA has promulgated regulations that set forth standards and requirements applicable to generators and transporters of hazardous waste, as well as standards and requirements that are applicable to owners and operators of facilities that treat, store, dispose of hazardous waste. These regulations are codified at 40 C.F.R. Parts 260-271.

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

7. On April 21, 1982 and June 10, 1983, EPA granted the State of Connecticut interim authorization under Section 3006 of RCRA to carry out certain portions of the RCRA hazardous waste management program in Connecticut. This interim authorization lapsed on January 31, 1986. Effective December 31, 1990, EPA granted Connecticut final authorization to administer its hazardous waste program in lieu of the federal government's base RCRA program, including the regulation of mixed waste. 55 Fed. Reg. 51,707 (December 17, 1990). Effective September 28, 2004, EPA granted Connecticut final authorization to administer updates to its

hazardous waste program, 69 Fed. Reg. 57842 (September 28, 2004), to meet federal requirements through January 1, 2001.

8. The authority for the Connecticut hazardous waste program is set out at Chapter 22a of the Connecticut General Statutes, with implementing regulations promulgated as the Hazardous Waste Management Regulations, Sections 22a-449(c)-100 through 110, 22a-449(c)-119, and 22a-449(c)-11 of the RCSA, effective September 28, 2004.

9. Pursuant to Sections 3006(g) and 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6926(g) and 6928(a) and (g), EPA may enforce both the federally approved Connecticut 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 Connecticut is not authorized to implement certain hazardous waste regulations promulgated pursuant to HSWA which are therefore enforceable only by EPA. RCRA Section 3006, 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.

10. Section 3008(a) of RCRA provides that upon finding that any person has violated or is violating any requirement of Subchapter C of RCRA, including violations in an authorized state, EPA may issue an order requiring compliance immediately or within a specified time and assessing a civil penalty for any past or current violation. Sections 3008(a) and (g) of RCRA provide that any person who violates any order or requirement of Subchapter C of RCRA shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each

violation. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. (“DCIA”), as well as 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Subchapter III of RCRA is up to \$32,500 per day per violation for violations that occurred after March 15, 2004 and before January 13, 2009. Violations that occur on or after January 13, 2009 are subject to penalties up to \$37,500 per day per violation.

11. Pursuant to Section 3002 of RCRA, 42 U.S.C. § 6922, EPA promulgated rules pertaining to generators of hazardous waste. These regulations are set forth at 40 C.F.R. Part 262 and have been adopted by the State of Connecticut at RCSA Section 22a-449(c)-102.

### **III. Findings of Fact/Conclusions of Law**

EPA Region 1 makes the following findings and determinations:

12. Respondent, Spec Plating, Inc., is a corporation established in the State of Connecticut, and engaged in metal plating operations. Respondent operates a facility (the “Facility”) located at 738 and 740 Seaview Avenue in Bridgeport, Connecticut, on a site of approximately 0.8 acres.

13. The Facility is a metal finishing shop, finishing parts primarily for industry and government. Respondent began operating at the Facility in 1995. Another company, Specifications Plating, Inc., operated at the Facility prior to Respondent. On July 7, 1995, Respondent submitted a Notification of Hazardous Waste Activity indicating that it generated hazardous waste having the following EPA waste codes: D002 (waste rack stripper, waste cyanide solution, waste caustic cleaner); D003/P030 (waste cyanide solution); waste from buffing; D007 (chromium-containing waste caustic cleaner); D011 (silver-containing wastes); F001 (waste 1,1,1-trichloroethane); F002 (waste methylene chloride); F006 (metal hydroxide

wastewater treatment sludge); F007 (spent cyanide plating bath solutions); F008 (plating bath residues from processes using cyanide); and F009 (spent stripping and cleaning bath solutions, containing cyanides).

14. The Facility's main building, which is located at 740 Seaview Avenue, is leased from the Facility's former operator, Specifications Plating, Inc. At all times relevant to this CAFO, the operations included the following plating/coating processes: chromium (hexavalent), cadmium, electroless nickel, nickel, tin, zinc, satin chrome, silver, copper, passivation, irradiation, phosphating, black oxide, and sulphamate. The Facility operates a wastewater treatment unit ("WTU") as a batch treatment system. The WTU consists of two stages of cyanide destruction and pH adjustment to drop out metal into metal hydroxide sludge that is managed as F006 hazardous waste. The Facility has a laboratory that is mainly used for chemical titrations to maintain plating baths. The Facility operates a vapor degreaser unit using trichloroethylene as its cleaning solvent. Respondent also rents an adjacent building, located at 738 Seaview Avenue, which serves as the Facility's main hazardous waste storage area.

15. At all times relevant to this CAFO, Respondent was and currently is a "person," as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), 40 C.F.R. § 260.10, and RCRA Section 22a-449(c)-100(c)(22).

16. At all times relevant to this CAFO, the Facility was and currently is a "facility," as defined in 40 C.F.R. § 260.10 and RCRA Section 22a-449(c)-100(c)(15).

17. At all times relevant to this CAFO, Respondent was and currently is the "operator" of the Facility, as defined in 40 C.F.R. § 260.10.



18. At all times relevant to this CAFO, Respondent generated “solid waste,” as defined in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27), 40 C.F.R. §§ 260.10 and 261.2, and RCSA Section 22a-449(c)-100(b)(2).

19. At all times relevant to this CAFO, at least some of the wastes that Respondent generated were “hazardous wastes” as defined in RCRA Section 1004(5), 42 U.S.C. § 6903(5), and 40 C.F.R. §§ 260.10 and 261.3, incorporated by reference in RCSA Section 22a-449(c)-100(b)(2)(B) and 22a-449(c)-101(a).

20. At all times relevant to this CAFO, Respondent was and currently is a “generator,” as that term is defined in 40 C.F.R. § 260.10 and incorporated by reference in RCSA Section 22a-449(c)-100(b)(2)(B).

21. Accordingly, as a generator of hazardous wastes, Respondent was and is subject to RCRA, the federal regulations promulgated at 40 C.F.R. Parts 260-271, 273, and 279, and RCSA Sections 22a-449(c)-100 through 110, 22a-449(c)-119, and 22a-449(c)-11.

22. On March 28, 2011, authorized representatives of EPA Region 1 conducted a RCRA compliance evaluation inspection of the Facility (“Inspection”), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

23. On June 23, 2011, Complainant issued a Notice of Potential Violation (“NPV”) to Respondent identifying potential violations of the hazardous waste management requirements that were observed during the Inspection.

24. Based on the Inspection and other information provided by Respondent, Complainant has identified the following violations of RCRA and the Connecticut Hazardous Waste Management Regulations at the Facility:

### Failure to Make Hazardous Waste Determinations

25. Pursuant to RCSA Section 22a-449(c)-102(a)(2)(A), a generator must comply with, among other requirements, 40 C.F.R. § 262.11.

26. Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste must determine if that waste is hazardous.

27. At the time of the Inspection, Respondent stored approximately sixty small laboratory containers at the Facility that were identified by Respondent as old chemicals that were no longer used in the Spec Plating's electroplating processes. These containers, located under a sink in the laboratory, in a fume hood in the laboratory, and in a room next to the laboratory, identified as "Brush Plating," had been stored on-site since approximately 1995. At the time of the Inspection, Respondent had not determined whether or not those wastes were hazardous.

28. At the time of the Inspection, Respondent agreed to conduct hazardous waste determinations on these containers as recommended by EPA inspectors.

29. On May 17, 2011, Respondent shipped many of the wastes identified in Paragraph 27 as hazardous wastes, including: barium chloride (D005); hydrogen peroxide solutions (D001, D002); waste oxidizing liquid (D001, D002, D005, D007); waste oxidizing liquid, inorganic (D006, D008, D019, U144, U211); waste oxidizing liquids (D001, D008); waste corrosive liquids, toxic (D002); waste corrosive liquids, acid (D002, D006, D007); waste caustic liquids (D002); waste liquids, acid, organic (D002, D011, U123); waste flammable liquids (D001, U112, U154, U239); hazardous waste liquid (D003); waste sodium dithionite (D003, D001); and waste toxic liquid (P030, D002).

30. Respondent's failure to determine whether or not the wastes described above in Paragraph 27 were hazardous violates RCSA Section 22a-449(c)-102(a)(2)(A), which incorporates by reference 40 C.F.R. § 262.11.

Failure to Maintain Adequate Hazardous Waste Training Documentation

31. Pursuant to RCSA Section 22a-449(c)-102(a)(1) and (2)(K), a generator must comply with, among other requirements, 40 C.F.R. § 262.34.

32. Pursuant to 40 C.F.R. § 262.34(a)(4), a generator must comply with, among other requirements, 40 C.F.R. § 265.16.

33. Pursuant to 40 C.F.R. § 265.16(d), the owner or operator of a facility must maintain the following documents and records at the facility: (1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) a written job description for each position at the facility related to hazardous waste management; and (3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management. 40 C.F.R. §§ 265.16(d)(1), (2), and (3).

34. At the time of the Inspection, Respondent did not maintain a current listing of job titles for each position at the Facility related to hazardous waste management, and the name of the employees filling each job. After the Inspection, upon the request of an EPA Inspector, Respondent provided a copy of an updated list of ten employees currently occupying positions that have hazardous waste management responsibilities.

35. At the time of the Inspection, Respondent did not maintain a current written job description for each position at the Facility related to hazardous waste management.

36. At the time of the Inspection, Respondent did not maintain a written description of the type and amount of both introductory and continuing training that would be given to each person required to have training. Respondent maintained training documentation on-site that was prepared for former operator Specifications Plating, Inc., and had not been developed for the operations currently occurring at the Facility at the time of the Inspection.

37. Accordingly, Respondent's failure to maintain adequate hazardous waste training documentation constitutes violations of RCRA Section 22a-449(c)-102(a)(1), which incorporates by reference 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. §265.16.

Failure to Provide Adequate Training for Each Employee Managing Hazardous Waste

38. Pursuant to RCRA Section 22a-449(c)-102(a)(1) and (2)(K), a generator must comply with, among other requirements, 40 C.F.R. § 262.34.

39. Pursuant to 40 C.F.R. § 262.34(a)(4), a generator must comply with, among other requirements, 40 C.F.R. § 265.16.

40. Pursuant to 40 C.F.R. § 265.16(a)(1), employees who manage hazardous wastes must complete a hazardous waste management training program that teaches them to perform their duties in a way that ensures the facility's compliance with RCRA.

41. Pursuant to 40 C.F.R. § 265.16(a)(2), the training program must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed (i.e., "initial RCRA training").

42. Pursuant to 40 C.F.R. § 265.16(b), employees who manage hazardous waste must successfully complete the program within six months after the date of their employment, and they must not work in unsupervised positions until they have completed the training requirements.

43. Pursuant to 40 C.F.R. § 265.16(c), employees who manage hazardous wastes must also take part in an annual review of the training (i.e., “annual RCRA training”).

44. Pursuant to 40 C.F.R. § 265.16(d)(4), the owner or operator of a facility must maintain records that document that the training or job experience required under 40 C.F.R. §§265.16(a), (b), and (c) has been given to, and completed by, facility personnel.

45. After the Inspection, Respondent provided the EPA inspectors with a list of ten (10) employees who had hazardous waste management responsibilities at the time of the Inspection. At the time of the Inspection, none of those employees had received hazardous waste management training in over three years. Respondent submitted information to EPA on June 3, 2012, indicating that only four (4) employees, rather than ten (10), had hazardous waste management responsibilities at the time of the Inspection.

46. Accordingly, Respondent’s failure to provide adequate training for each employee managing hazardous waste constitutes violations of RCRA Section 22a-449(c)-102(a)(1), which incorporates by reference 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. § 265.16.

Failure to Maintain an Adequate Contingency Plan

47. Pursuant to RCRA Section 22a-449(c)-102(a)(1), a generator must comply with, among other requirements, 40 C.F.R. § 262.34.

48. Pursuant to 40 C.F.R. § 262.34(a)(4), a generator must comply with, among other requirements, the provisions of 40 C.F.R. Part 265, Subpart D.

49. Pursuant to 40 C.F.R. § 265.51(a), an owner or operator must have a contingency plan for his facility. The plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water.

50. Pursuant to 40 C.F.R. § 265.52(a), the contingency plan must describe the actions facility personnel must take to comply with 40 C.F.R. §§ 265.51 and 265.56 (requirements for emergency procedures) in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water at the facility. Pursuant to 40 C.F.R. § 265.52(b), if the owner or operator already has a Spill Prevention, Control, and Countermeasures (“SPCC”) Plan or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of 40 C.F.R. Part 265, Subpart D.

51. Pursuant to 40 C.F.R. § 265.52(c), the contingency plan must describe arrangements agreed to by local police and fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

52. Pursuant to 40 C.F.R. § 265.52(d), the contingency plan must list names, addresses, and office and home phone numbers of all persons qualified to act as emergency coordinator and the list must be kept up to date. If more than one person is listed, one must be named a primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

53. Pursuant to 40 C.F.R. § 265.52(e), the contingency plan must: include a list of all emergency equipment at the facility; keep the list up to date; and include the location and a physical description of each item on that list, and a brief outline of its capabilities.

54. Pursuant to 40 C.F.R. § 265.52(f), the contingency plan must include an evacuation plan for facility personnel. The plan must describe signal(s) to be used to begin an evacuation, evacuation routes, and alternate evacuation routes.

55. At the time of the Inspection, Respondent's contingency plan had not been modified since it was developed in July 1990 for Respondent's predecessor, Specifications Plating, Inc. All of the references in the body of the contingency plan referred to Specifications Plating, Inc., and not to Respondent.

56. Respondent's contingency plan did not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency response services. The contingency plan did not have any documentation that it had been submitted to local authorities that may be called upon to respond to an incident at the location.

57. Respondent's contingency plan did not include an updated list of persons acting as current emergency coordinator or alternates. The contingency plan listed HRP Associates, Inc. as the outside emergency responder. However, during the Inspection, Respondent stated that it has not had any relationship with HRP Associates for at least ten years.

58. Respondent's contingency plan referred to a figure (II.I.1) which purported to describe the location of emergency equipment. However, the referenced figure was not in the contingency plan provided to the inspectors for review. The contingency plan also did not

include a list of communication/alarm systems and decontamination equipment, and did not describe the capabilities of various types of fire extinguishers listed in the plan.

59. Respondent's contingency plan did not list alternative evacuation routes.

60. Accordingly, Respondent's failure to maintain an adequate contingency plan that meets the requirements of 40 C.F.R. Part 265, Subpart D, constitutes violations of RCSA Section 22a-449(c)-102(a)(1), which incorporates by reference 40 C.F.R. § 262.34(a)(4), which in turn, incorporates by reference 40 C.F.R. Part 265, Subpart D.

#### **IV. Terms of Settlement**

61. The provisions of this CAFO shall apply to and be binding on Respondent, its officers, directors, successors, and assigns.

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

63. 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 this CAFO.

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

65. Without admitting or denying any findings of fact or conclusion of law contained in this CAFO and without admitting or denying liability as to any claim alleged in this CAFO, Respondent consents for the purposes of settlement to the payment of the civil penalty as set forth in this CAFO.



66. In addition, Respondent also consents to comply with the following upon receipt of this CAFO:

a. Respondent shall achieve and maintain compliance with all applicable requirements of RCRA. Specifically:

i. Respondent submitted documentation to EPA on June 3, 2012 that includes a hazardous waste training program established after the date of the Inspection. Within thirty (30) days of the effective date of this CAFO and in accordance with 22a-449(c)-102(a)(1), which incorporates by reference 40 C.F.R. § 262.34(a)(4), which in turn incorporates by reference 40 C.F.R. § 265.16, Respondent shall revise and resubmit the training program in accordance with EPA's comments, dated September 19, 2012, and ensure that all facility personnel who manage hazardous wastes complete a hazardous waste training program that meets the standards of 40 C.F.R. § 265.16. Respondent shall also ensure that all facility personnel who manage hazardous waste complete such a program within six months after the date of their employment, or assignment to a facility that manages hazardous waste, or assignment to a position managing hazardous wastes. Furthermore, Respondent shall ensure that facility personnel who manage hazardous waste take part in an annual review of such training;

ii. Respondent shall revise and maintain the training documents and records required by 40 C.F.R. § 265.16(d), in accordance with EPA's comments dated September 19, 2012, and shall submit copies of such documents and records to EPA within thirty (30) days of the effective date of this CAFO. Specifically: (1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) a written job description for each position at the facility related to hazardous waste management;

(3) a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and (4) records that document that training or job experience required has been given to, and completed by, facility personnel. 40 C.F.R. §§ 265.16(d)(1)-(4);

iii. Respondent submitted documentation to EPA on June 3, 2012 that included an updated hazardous waste contingency plan prepared after the date of the Inspection. Within thirty (30) days of the effective date of this CAFO and in accordance with 22a-449(c)-102(a)(1), which incorporates by reference 40 C.F.R. §262.34(a)(4), which in turn incorporates by reference 40 C.F.R. Part 265, Subpart D, Respondent shall revise and resubmit the contingency plan based on EPA's comments, dated September 19, 2012;

b. The information requested in this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq. Respondent shall submit the copies of the above required information to:

Andrew Meyer  
RCRA, EPCRA and Federal Programs Unit  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: OES05-4  
Boston, MA 02109-3912

and:

Joy Sun  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: OES04-2  
Boston, MA 02109-3912

c. If Respondent Fails to comply with the requirements of this Paragraph within the time specified, Section 3008(c) of RCRA and the DCIA provide for further enforcement action in which EPA Region 1 may seek the imposition of additional penalties of up to \$37,500 for each day of continued noncompliance.

67. After consideration of the nature of the violations alleged in this CAFO, and other relevant factors, EPA Region 1 has determined that it is fair and proper that Respondent pays a civil penalty in the amount of \$112,919, plus interest accrued, in settlement of this matter.

Penalty Payment

68. Respondent shall pay the civil penalty set forth in this CAFO according to the following payment schedule:

- a. The first installment of \$35,282, which includes \$282 in interest at a rate of three percent per annum, shall be paid within sixty (60) days of the effective date of this CAFO;
- b. The second installment of \$26,752, which includes \$779 in interest at a rate of three percent per annum, shall be paid within one hundred eighty (180) days of the effective date of this CAFO;
- c. The third installment of \$26,363, which includes \$390 in interest at a rate of three percent per annum, shall be paid within two hundred seventy (270) days of the effective date of this CAFO; and
- d. The fourth installment of \$26,168, which includes \$195 in interest at a rate of three percent per annum, shall be paid within three hundred sixty (360) days of the effective date of this CAFO.

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

70. Respondent shall make the penalty payments by submitting a bank or certified check, to the order of the "Treasurer, United States of America," to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

The required payments shall reference the name ("In the Matter of: Spec Plating Incorporated") and the EPA Docket Number ("RCRA-01-2012-0023") of this Consent Agreement. Documents sufficient to demonstrate such transfer has occurred shall be sent simultaneously to:

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

and:

Joy Sun  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: OES04-2  
Boston, MA 02109-3912

71. Failure by Respondent to pay the penalty assessed by this CAFO in full shall subject the Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the effective date of his CAFO. Pursuant to 31 U.S.C. § 3717, EPA Region 1 is entitled to assess interest and penalties on debts owed to the United States and a charge to

cover the costs of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. 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 processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. *See* 31 C.F.R. § 901.9(d).

72. If Respondent fails to pay all or any portion of the civil penalty amount owed by Respondent by the dates required under this CAFO, files a voluntary petition in bankruptcy under the Bankruptcy Code of the United States, is adjudicated as bankrupt under such Code, is the subject of a petition filed in Federal or state court for the appointment of a trustee or receiver in bankruptcy or insolvency, or makes a general assignment for the benefit of creditors, then the full balance of all outstanding civil penalties, together with all interest and penalties accrued at the rates specified herein, shall immediately become due to EPA. Upon the occurrence of any of the events or conditions described in the preceding sentence, Respondent shall give immediate notice to EPA at the following address:

Joy Sun  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square – Suite 100  
Mail Code: OES04-2  
Boston, MA 02109-3912

Additional Provisions

73. This CAFO constitutes a settlement by EPA Region 1 of all claims for civil liability and penalties, pursuant to Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for the violations of RCRA specifically alleged herein. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal or any other civil liability of Respondent. Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged herein and subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. Nothing in this Consent Agreement shall be construed as limiting the authority of the United States to undertake any action against Respondents in response to conditions which may present an imminent and substantial endangerment to the public health, welfare or the environment.

74. Except as provided above in Paragraph 71, each party shall bear its own costs and fees in this proceeding.

75. Each undersigned representative of the parties to this CAFO certifies that she or he is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: Spec Plating, Incorporated, Docket No. RCRA-01-2012-0023.

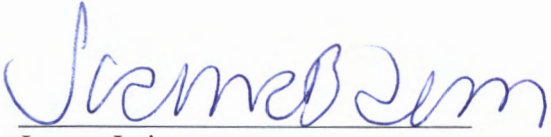
For Spec Plating Incorporated:

*Geoffrey Scott*  
Name: Geoffrey Scott  
Title: President  
Spec Plating Incorporated

9-21-12  
Date

THE UNDERSIGNED PARTY enters into this CAFO for In the Matter of: Spec Plating Incorporated, Docket No. RCRA-01-2012-0023.

For U.S. EPA, Region 1:



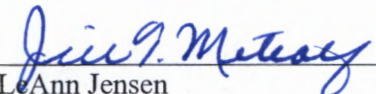
Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA, Region 1

9/25/12  
Date \_\_\_\_\_



**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. 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.

*fn*   
\_\_\_\_\_  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

Date: 