

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Maximilian Boal
Name of Case Attorney

5/28/15
Date

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

Case Docket Number TSCA-01-2014-0003

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:

Bruce Devaney
Environmental Services Inc.
90 Brookfield Street
South Windsor, CT 06074

Total Dollar Amount of Receivable \$ 7,000 Due Date: 6/28/14

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ 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

May 28, 2015

RECEIVED

MAY 28 2015

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

BY HAND

EPA ORC WS
Office of Regional Hearing Clerk

Re: *In the Matter of Environmental Services, Inc.*
Docket No. TSCA-01-2014-0003

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maximilian Boal".

Maximilian Boal
Enforcement Counsel

Enclosure

cc: David Losee, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

In the Matter of:)

Environmental Services, Inc.)

) Docket No. TSCA-01-2014-0003

) **Filing of Consent Agreement**
) **and Final Order**

Enclosed is a Consent Agreement and Final Order that has been signed by the parties in the above-captioned matter, has been approved by the Regional Judicial Officer, and has been filed with the Regional Hearing Clerk.

Respectfully submitted,

Maximilian Boal

Maximilian Boal
Enforcement Counsel
U.S. Environmental Protection Agency
Region I
5 Post Office Square, Suite 100 (OES04-2)
Boston, Massachusetts 02109-3912

5-28-2015

Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:)
)
Environmental Services, Inc.) Docket No. TSCA-01-2014-0003
)
)
Respondent)
)


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 via e-mail filing:

Headquarters Hearing Clerk
Office of Administrative Law Judges/U.S. EPA
Mail Code 1900R
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Via OALJfiling@epa.gov

David Losee, Esq.
David B. Losee, LLC
1028 Boulevard
West Hartford, CT 06119
David@loseelaw.com

Dated: 5-28-2015



Maximilian Boal
Enforcement Counsel (OES)
U.S. Environment Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES04-2
Boston, MA 02109-3912
boal.maximilian@epa.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Environmental Services, Inc.)	Docket No. TSCA-01-2014-0003
90 Brookfield Street)	
South Windsor, CT 06074)	
)	
Respondent.)	
)	

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency (“EPA”), and Respondent Environmental Services, Inc. have agreed that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding against Respondent pursuant to Section 16 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. § 2615.

2. The Amended Complaint alleges that Respondent violated Section 15 of TSCA, 15 U.S.C. § 2614, and the regulations promulgated thereunder at 40 C.F.R. Part 761, through omissions and inaccuracies in a waste manifest for waste containing polychlorinated biphenyls (“PCBs”).

RECEIVED

MAY 28 2015

EPA ORC *WS*
Office of Regional Hearing Clerk

3. The provisions of this CAFO shall apply to and be binding on the Complainant and on the Respondent, its officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Amended Complaint and that the Amended Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained in the Amended Complaint, consents to the terms of this CAFO.

5. Respondent hereby waives its rights to a judicial or administrative hearing on any issue of law or fact set forth in the Amended Complaint and waives its rights to appeal the Final Order.

II. TERMS OF SETTLEMENT

6. Respondent certifies that it has corrected the alleged violation cited in this CAFO and that it is now operating in compliance with requirements of TSCA and 40 C.F.R. Part 761.

7. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and taking into account the nature, circumstances, extent, and gravity of the violation, Respondent's culpability, the economic impact of the penalty upon the Respondent, and such other matters as justice may require, EPA has determined that an appropriate civil penalty to settle this action is in the amount of seven thousand dollars (\$7,000).

8. Without admitting or denying the factual allegations contained in the Amended Complaint, Respondent consents to the issuance of this CAFO and consents to the payment of a

civil penalty of \$7,000, which shall be due within thirty (30) calendar days of the effective date of this CAFO.

9. Respondent shall pay the penalty of \$7,000 within 30 days of the effective date of this CAFO in the manner described below:

- a. Payment shall be in a single payment of \$7,000 due within 30 calendar days of the effective date of this CAFO. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date processed by U.S. Bank, as described below. Payment must be received by 11:00 A.M. Eastern Standard time to be considered as received that day.
- b. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall reference "*In re Environmental Services, Inc.*, Consent Agreement and Final Order, EPA Region 1," Respondent's name and address, and the EPA Docket Number of this action (TSCA-01-2014-0003), shall be in the amount stated above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

If remitted by regular U.S. mail:

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

If remitted by any overnight commercial carrier:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

If remitted by wire transfer: Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727

SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

If remitted on-line with a debit card, credit card, or bank account transfer:

No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen to access the EPA's Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting "submit data," entering the relevant debit card, credit card, or bank account information.

- c. At the time of payment, a copy of the check (or notification of other type of payment) shall also be sent to:

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

and
Maximilian Boal
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code: OES04-2
Boston, MA 02109-3912
boal.maximilian@epa.gov

10. 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 and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance

with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

11. All penalties, interest, and charges payable pursuant to this CAFO shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

12. Respondent shall bear its own costs and attorneys' fees in connection with the action resolved by this CAFO and specifically waives any right to recover such costs from other parties pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

13. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, for the violation alleged in the Amended Complaint. Compliance with this CAFO shall not be a defense to any actions 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.

14. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in the CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to

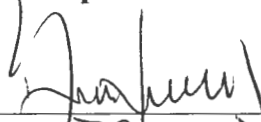
seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or Respondent's violation of the statutes and regulations upon which this agreement is based, or for Respondent's violation of applicable provision of law.

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

16. This CAFO does not constitute a waiver, suspension, or modification of the requirements of TSCA, 15 U.S.C. § 2601 *et seq.*, or any regulations promulgated thereunder.

17. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

For Respondent:

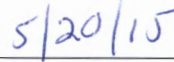

Name: Bruce Newman
Title: Vice Pres -
Environmental Services, Inc.

4/27/13
Date

For Complainant:



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



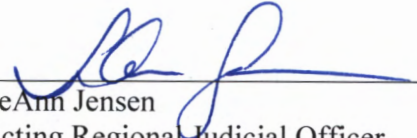
Date

III. FINAL ORDER

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

Date:

May 21, 2015



LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

In the Matter of:)	
)	
Environmental Services, Inc.)	Docket No. TSCA-01-2014-0003
90 Brookfield Street)	
South Windsor, CT 06074)	
)	
Respondent)	
)	

CERTIFICATE OF SERVICE

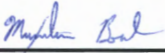
I hereby certify that the foregoing Consent Agreement and Final Order has been sent to the following persons on the date noted below:

Original and One Copy, Hand Delivered:	Wanda Santiago Regional Hearing Clerk (Mail Code ORA 18-1) U.S. Environmental Protection Agency, Region I 5 Post Office Square, Suite 100 Boston, MA 02109-3912
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Copy, Certified Mail, Return Return Receipt Requested	Bruce Devaney Environmental Services, Inc. 90 Brookfield Street South Windsor, CT 06074
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David Losee, Esq.
David B. Losee, LLC
1028 Boulevard
West Hartford, CT 06119

Dated: 5-28-2015



Maximilian Boal
Enforcement Counsel (OES)
U.S. Environment Protection Agency, Region I
5 Post Office Square, Suite 100
Mail Code: OES04-2
Boston, MA 02109-3912