

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Christine Foot 9/27/12  
Name of Case Attorney Date

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

Case Docket Number PCRA-01-2012-0044

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:

Sargent Manufacturing Co.  
100 Sargen Drive  
New Haven, CT 06511

Total Dollar Amount of Receivable \$ 39,705 Due Date: 10/27/12

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

Installment Method (if applicable)

INSTALLMENTS OF:

- 1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
- 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  
NEW ENGLAND REGION  
BEFORE THE ADMINISTRATOR

RECEIVED

SEP 27 2012

EPA ORC *WS*  
Office of Regional Hearing Clerk

In the Matter of:

SARGENT MANUFACTURING CO.  
100 Sargent Drive  
New Haven, Connecticut 06511

CONSENT AGREEMENT  
AND FINAL ORDER

EPA ID No. CTD056748205

EPA DOCKET NO.  
RCRA-01-2012-0044

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

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency ("EPA" or "Complainant") filed a civil Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing ("Complaint") on July 24, 2012 against Respondent, Sargent Manufacturing Company ("Sargent" or "Respondent"). The Complaint alleged violations at Respondent's facility located in New Haven, Connecticut (the "Facility") under Section 3002 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6922; the regulations promulgated thereunder at 40 C.F.R. Parts 262 and 265; and the Connecticut Hazardous Waste Management Regulations, codified at the Regulations of Connecticut State Agencies ("RCSA") Sections 22a-449(c)-100 through 110.

Complainant and Respondent agree 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 settling this matter. Therefore, before taking any testimony, without any adjudication of issues of law or fact herein, and upon consent and agreement of the parties, it is hereby Ordered and Adjudged as follows:

**I. PRELIMINARY STATEMENT**

1. EPA is pursuing this proceeding for the assessment of a civil penalty pursuant to Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g).

2. The Complainant alleged in the Complaint that Respondent failed to: (a) keep incompatible wastes separated from each other by means of a dike, berm, wall, or other device, in violation of Section 3002 of RCRA and RCSA Section 22a-449(c)-102(a)(2)(E), incorporating by reference 40 C.F.R. § 262.34(a)(1)(i), which requires compliance with 40 C.F.R.

§ 265.177(c); (b) ensure that its employees with hazardous waste management responsibilities received adequate hazardous waste management training and maintain adequate training

documents, in violation of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires compliance with 40 C.F.R.

§ 265.16; (c) close six containers of hazardous waste accumulated at or near a point of

generation (in other words, a "satellite accumulation area" or "SAA"), in violation of Section 3002 of RCRA and RCSA Section 22a-449(c)102(a)(2)(M), incorporating by reference 40

C.F.R. § 262.34(c)(1)(i), which requires compliance with 40 C.F.R. § 265.173(a); (d) maintain adequate aisle space between rows of containers of hazardous waste in the hazardous waste

storage area ("HWSA"), in violation of Section 3002 of RCRA and RCSA Section 22a-

449(c)102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires

compliance with 40 C.F.R. § 265.35; (e) mark the accumulation start-dates on two containers of



hazardous waste stored in the HWSA, in violation of Section 3002 of RCRA and RCRA Section 22a-449(c)102(a)(1), incorporating by reference 40 C.F.R. § 262.34(a)(2); (f) have an up-to-date contingency plan and submit the revised contingency plan to the required local authorities, in violation of Section 3002 of RCRA and RCRA 22a-449(c)-102(a)(2)(K), incorporating by reference 40 C.F.R. § 262.34(a)(4), which requires compliance with 40 C.F.R. §§ 265.52 and 265.53; and (g) manage excess waste in an SAA in accordance with the requirements for a less-than-90-day storage area, in violation of Section 3002 of RCRA and RCRA 22a-449(c)-102(a)(1) and (a)(2)(E), incorporating by reference 40 C.F.R. §§ 262.34(c)(2) and 262.34(a)(1)(i), respectively.

3. As part of its Complaint, Complainant also ordered ("RCRA Order") Respondent to:

- (a) immediately segregate all incompatible wastes and materials, including those in the HWSA, and implement management standards to ensure that all incompatible wastes and materials are kept separated from each other by means of a dike, berm, wall, or other device, in accordance RCRA Section 22a-449(c)-102(a)(2)(E), 40 C.F.R. § 262.34(a)(1)(i), and 40 C.F.R. § 265.177(c);
- (b) within sixty (60) days of receipt of the Complaint, and annually thereafter, provide hazardous waste management training to all employees at the Facility with hazardous waste management responsibilities and maintain the required documents and records, in accordance with RCRA Section 22a-449(c)102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. § 265.16; (c) within thirty (30) days of receipt of the Complaint, update the contingency plan and submit the revised contingency plan, and any subsequent revisions thereto, to the required authorities and emergency responders in accordance with RCRA 22a-449(c)-102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. §§ 265.52 and 265.53; (d) immediately provide adequate aisle

space between containers of hazardous waste in the HWSA, in accordance with RCSA Section 22a-449(c)102(a)(2)(K), 40 C.F.R. § 262.34(a)(4), and 40 C.F.R. § 265.35; (e) immediately date, close, and otherwise manage all hazardous waste identified at the Facility in accordance with federal and state standards, including: RCSA Section 22a-449(c)102(a)(1) and (a)(2)(M), 40 C.F.R. § 262.34(a) and (c), and 40 C.F.R. § 265.173(a); and (f) within sixty-five (65) days of receipt of the Complaint, submit to Complainant written confirmation of its compliance (accompanied by a copy of any appropriate supporting documentation) or noncompliance with the requirements set forth in the RCRA Order.

4. The provisions of this CAFO shall apply to and be binding upon EPA and Respondent, its officers, directors, successors, and assigns.

5. For purposes of this CAFO and any action to enforce this CAFO, without trial or litigation of the issues or adjudication of the facts, Respondent: (a) admits that EPA has jurisdiction over the subject matter alleged in the Complaint; (b) neither admits nor denies the factual allegations contained in the Complaint; and (c) consents to the terms of this CAFO.

6. Respondent hereby waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint and waives its right to appeal the proposed Final Order accompanying this Consent Agreement.

## II. Terms of Settlement

7. Respondent has provided sufficient evidence to establish that the wastes addressed by Count 1 of the Complaint are not incompatible. Therefore, these wastes do not need to be segregated from each other and Paragraph 52.a. of the RCRA Order no longer applies.

Respondent has demonstrated to the satisfaction of EPA that it has otherwise complied with the

terms of the RCRA Order. Further, Respondent certifies that the Facility is, as of the date of this CAFO, in compliance with the requirements of RCRA, the federal regulations promulgated thereunder, and the Connecticut Hazardous Waste Management Regulations, with respect to Respondent's management of hazardous waste.

8. Pursuant to Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), based on the nature of the violations alleged in EPA's Complaint and other relevant factors, EPA has determined that an appropriate civil penalty to settle all of the RCRA counts alleged in the Complaint, and listed in Paragraph 2 above, is in the amount of \$39,705.

9. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in the forgoing paragraph.

10. Respondent shall pay the penalty of \$39,705 within thirty (30) days after the effective date of this CAFO. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

11. Respondent shall pay the penalty, and any interest thereon, by submitting a cashier's or certified check, payable to the order of the "Treasurer, United States of America," in the amount of \$39,705, to:

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

Respondent shall note the case name and docket number ("*In the Matter of Sargent Manufacturing Co.*," Docket No. RCRA-01-2012-0044) on the check and in an accompanying cover letter and shall provide copies of the check to:



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

and

Christine Foot, Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

Pursuant to 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 any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than 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).

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

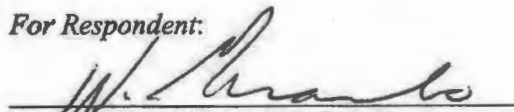
13. Payment of the penalties, interest, or other charges does not waive, suspend, or modify the responsibility of Respondent to comply with the requirements of all of the federal laws and regulations administered by EPA and, except as provided in paragraph 14 herein, shall not be a defense to any actions subsequently commenced pursuant to said laws and regulations.

14. This CAFO constitutes a settlement by EPA and a covenant not to sue or bring further administrative proceedings pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), with regard to all claims for civil penalties for the violations specifically alleged in the Complaint. Nothing in this CAFO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent. 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.

15. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this CAFO.

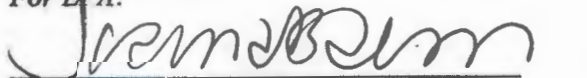
16. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

*For Respondent:*

  
Bill Grambo, Director of Operations  
Sargent Manufacturing Company  
100 Sargent Drive  
New Haven, CT 06511

9/26/12  
Date

*For EPA:*

  
Joanna Jerison, Legal Enforcement Manager  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

9/27/12  
Date




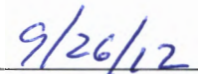
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16. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that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

*For Respondent:*

  
\_\_\_\_\_  
Bill Grambo, Director of Operations  
Sargent Manufacturing Company  
100 Sargent Drive  
New Haven, CT 06511

  
\_\_\_\_\_  
Date

*For EPA:*

\_\_\_\_\_  
Joanna Jerison, Legal Enforcement Manager  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square Suite 100  
Mail Code OES04-2  
Boston, MA 02109-3912

\_\_\_\_\_  
Date

**III. FINAL ORDER**

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

*jn*  
*LeAnn Jensen*  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

Date: *September 27, 2012*

