

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

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

ANSWER



1. Respondent admits the material allegations in paragraphs 1-10 of the Amended Administrative Complaint.

11. Respondent admits that it was hired by the State of Connecticut to perform work at the Emmett O'Brien Technical High School located at 141 Prindle Avenue, Ansonia, Connecticut 06401, which is owned by the State of Connecticut Technical High School System. Respondent denies the balance of paragraph 11 of the Amended Administrative Complaint.

12-13. Respondent admits the material allegations of paragraphs 12 and 13 of the Amended Administrative Complaint.

14. Respondent admits that it discovered an underground storage tank at the facility. Respondent denies the balance of paragraph 14 of the Amended Administrative Complaint.

15-16. Respondent admits the material allegations of paragraphs 15 and 16 of the Amended Administrative Complaint.

17-18. Respondent denies the material allegations of paragraphs 17 and 18 of the Amended Administrative Complaint.

19. Respondent admits the material allegations of paragraph 19 of the Amended Administrative Complaint.

20-21. Respondent denies the material allegations of paragraphs 20 and 21 of the Amended Administrative Complaint.

22. Respondent admits that an employee signed Manifest #009763538. Respondent denies the balance of paragraph 22 of the Amended Administrative Complaint.

24, 25, 28, 31. Respondent denies the material allegations of paragraphs 24, 25, 28 and 31 of the Amended Administrative Complaint.

26. Respondent admits that UOR sampled and analyzed the load for PCBs. Respondent denies the balance of paragraph 26 of the Amended Administrative Complaint.

27. Respondent admits that at SSI's request, UOR rejected the load of liquid waste oil from the underground storage tank at the facility. Respondent denies the balance of paragraph 27 of the Amended Administrative Complaint.

29-30. Respondent admits the material allegations of paragraphs 29 and 30 of the Amended Administrative Complaint.

1-31. Respondent replies to the alleged paragraphs 1-31 as each is previously pled.

33. Respondent admits the material allegations of paragraph 33 of the Amended Administrative Complaint.

34-40. Respondent denies the material allegations of paragraphs 34-40 of the Amended Administrative Complaint.

41-46. Although paragraphs 41-46 of the Amended Administrative Complaint do not call for a response, Respondent denies the material allegations of said paragraphs.

DEFENSES

1. The removal of waste from the underground storage tank at the facility on August 29, 2012 was a spill response, not a tank pump-out.

2. At the time the truck left Respondents facility, there was no laboratory data indicating that it contained waste oil containing concentrations of PCBs in excess of 50ppm.

3. At no time from its collection on August 29, 2012 to September 11, 2012 did Respondent relinquish control of the waste oil load.

4. On August 30, 2012, Respondent received laboratory results indicating that the load of waste oil contained concentrations of PCBs of less than 2 ppm, 7 ppm, 11 ppm, and 45 ppm. Only on September 4, 2012, did Respondent receive a laboratory report showing PCB concentrations of 52 ppm.


5. Administrative procedures required by the Connecticut DEEP were followed, met and exceeded.

6. UOR "rejected" ESI's load solely because, prior to the arrival of the load at UOR's site, SSI requested UOR to reject the load and not to receive it.

REQUEST FOR HEARING

1. Respondent requests a Hearing on all material facts alleged in the Amended Administrative Complaint and not Admitted.


RESPONDENT,
ENVIRONMENTAL SERVICES, INC.

By 
David B. Losee
Goldberg Segalla LLP
Its Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed this 17th day of November, 2014 to the following counsel of record:

Maximilian Boal
Enforcement Counsel
EPA – Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912



David B. Losee