

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

2017 MS - 0 11/10/10
U.S. Environmental Protection Agency

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In the Matter of :
Betts Environmental Services Corporation : COMPLAINT AND NOTICE OF
Respondent. : OPPORTUNITY FOR HEARING
Docket No. TSCA-02-2017-9104
Proceeding under the Toxic Substances Control Act, :
as amended. :
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COMPLAINT

Statement of Authority

1. This is a civil administrative action instituted pursuant to Section 16(a), 15 U.S.C. § 2615(a), of the Toxic Substances Control Act, as amended, ("TSCA"), 15 U.S.C. § 2601 et seq. and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22.
2. The Complainant is the Director, Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency ("EPA"), Region 2, who has been duly delegated the authority to institute this action.

Nature of the Action

3. This Complaint notifies the Respondent, Betts Environmental Services Corporation (aka Betts Environmental & Alternative Fuels and/or Betts Environmental & Fuel Services; hereinafter "Betts" or "Respondent") that EPA intends to assess penalties for alleged violations of Section 15 of TSCA, 15 U.S.C. § 2614, and the federal regulations entitled, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions" (the "PCB Regulations"), 40 C.F.R. Part 761.

Statutory and Regulatory Basis of the Action

4. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), makes it unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605.
5. The PCB Regulations at 40 C.F.R. Part 761 were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e).
6. Pursuant to 40 C.F.R. § 761.1(a), the PCB Regulations establish “prohibitions on, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB items.”
7. Pursuant to 40 C.F.R. § 761.1(b)(1), the PCB Regulations apply “to all persons who manufacture, process, distribute in commerce, use or dispose of PCBs or PCB Items.”
8. Pursuant to 40 C.F.R. § 761.3, the PCB Regulations define “PCB” as “any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substance.”
9. Forty C.F.R. § 761.3 defines “PCB Container” as “any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.”
10. Forty C.F.R. § 761.3 defines “PCB Item” as “any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.”
11. Subpart C of 40 C.F.R. Part 761 sets forth the requirements for Marking of PCBs and PCB Items, including the requirement that each PCB container and storage area be labeled with the mark “ML.” See 40 C.F.R. §§ 761.40(a)(1) & (10) and 761.45(a).
12. Forty C.F.R. § 761.3 defines “Mark” as the descriptive name, instructions, cautions, or other information applied to PCBs and PCB Items or other objects subject to these regulations.
13. Forty C.F.R. § 761.3 defines “Marked” means the marking of PCB Items and PCB Storage areas and transport vehicles by means of applying a legible mark by painting, fixation of an adhesive label, or by any other method that meets the requirements of these regulations.
14. Subpart D of 40 C.F.R. Part 761 sets forth the requirements for Storage of PCBs and PCB Items designated for disposal. See 40 C.F.R. § 761.65.
15. Forty C.F.R. § 761.3 defines “PCB waste(s)” as those PCBs and PCB Items that are subject to the disposal requirements of subpart D of this part.

16. Forty C.F. R. § 761.3 defines “Generator of PCB waste” as “any person. . . whose act first causes PCBs or PCB Items to become subject to the disposal requirements of subpart D of this part, or who has physical control over the PCBs when a decision is made that the use of the PCBs has terminated and therefore is subject to the disposal requirements of subpart D of this part.”

17. Forty C.F.R. § 761.3, defines “Disposal” as “intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions relating to containing, transporting, destroying, degrading, decontaminating, or confining PCBs or PCB items.”

18. Forty C.F. R. § 761.3 defines “Storage for disposal” as temporary storage of PCBs that have been designated for disposal.

19. Forty C.F. R. § 761.3 defines “Commercial storer of PCB waste” as “the owner or operator of each facility that is subject to the PCB storage unit standards of Section 761.65(b)(1) or (c)(7) or meets the alternative storage criteria of Section 761.65(b)(2), and who engages in storage activities involving either PCB waste generated by others”

20. Forty C.F. R. § 761.3 defines “Transport vehicle” as a motor vehicle or rail car used for the transportation of cargo by any mode.

21. Forty C.F. R. § 761.3 defines “Transporter” of PCB waste as any person engaged in the transportation of regulated PCB waste by air, rail, highway or water for purposes other than consolidation by a generator.

22. Subpart K of 40 C.F.R. Part 761 sets forth the requirements for PCB waste disposal records and reports, including the requirements for storers and generators of PCB waste to have an EPA identification number, to notify EPA of PCB waste activity, and to properly prepare a PCB waste manifest. See 40 C.F.R. §§ 761.202, 205, and 207.

23. In 2009, New Jersey Department of Environmental Protection (“NJDEP”) established the Site Remediation Reform Act (“SRRA”), NJSA 58:10C-1 et seq., which established obligations for responsible parties to remediate contaminated sites. The SRRA created a category of remediation professionals, known as “Licensed Site Remedial Professionals” (“LSRP”), who oversee the environmental investigation and remediation of contaminated sites.

24. Effective May 7, 2012 and pursuant to NJSA 58:10b-1.3(b)(1), all remediation parties in New Jersey were required to retain an LSRP.

General Allegations

25. Respondent is a corporation formed under the laws of the State of New Jersey.
26. Respondent's headquarters is located at 160 Hamburg Turnpike, Butler, New Jersey 07405 (hereinafter "Respondent's facility").
27. At all times relevant to this Complaint, Respondent is and has been a "person" within the meaning of 40 C.F.R. § 761.3.
28. Respondent is an environmental contractor that provides remediation and environmental management services.
29. Upon information and belief, no later than May 7, 2012, Respondent began offering the services of an on-staff LSRP to its New Jersey clients pursuant to the SRRA.
30. The Westbrook Friendly Service station (hereinafter "the Westbrook facility"), of West Milford, New Jersey, is a .403-acre gasoline retail and automotive repair facility comprised of a single story building with associated asphalt paved areas, gasoline dispensers, and underground storage tank ("UST") systems for the storage of petroleum products.
31. The Westbrook facility is located in a special planning area for New Jersey – the Highlands – and is on the edge of a public water supply community water system for Passaic Valley Water Commission.
32. At all times relevant to this Complaint since at least 1998, the owner of the Westbrook facility, Westbrook Friendly Service Inc. ("WFS"), has relied upon Respondent as an environmental contractor to address UST closure and contamination issues at the Westbrook facility.
33. Upon information and belief, since at least May 7, 2012, Respondent has provided WFS with the services of an LSRP at the Westbrook facility.
34. At all times relevant to this Complaint, Respondent, *inter alia*, conducted, directed, and oversaw soil sampling and remediation, groundwater sampling and monitoring, storage and disposal of materials contaminated with hazardous substances at and from the Westbrook facility.
35. Upon information and belief, Respondent continues to conduct, direct, and oversee ongoing environmental investigation and remediation of contamination at the Westbrook facility.

UST E5

36. On September 18, 2015, as part of Respondent's subsurface investigation at the Westbrook facility, a ground penetrating radar and electromagnetic survey discovered an underground storage tank in the northwestern area of the site that had not been registered with the NJDEP.
37. The UST described in paragraph 36, above, was nearly three-quarters full.
38. By letter dated February 8, 2016, Respondent submitted an Underground Storage Tank Facility Certification Questionnaire to NJDEP to register the newly discovered UST, designated E5 (hereinafter "UST E5"), at the Westbrook facility.
39. UST E5 was described in Respondent's February 8, 2016 submission to NJDEP as:
- a. a single-walled steel tank;
 - b. with a capacity of 1,000 gallons;
 - c. without cathodic protection to prevent corrosion of the tank;
 - d. without spill containment around the fill pipe; and
 - e. without a method of release detection in place to detect the occurrence of a release of the contents of the tank.
40. The contents of E5 were identified in Respondent's February 8, 2016 submission as leaded gasoline.
41. The Respondent's February 8, 2016 submission further states that a Notice of Intent ("NOI") to decommission, close, and conduct a site investigation for UST E5 and all associated piping would be filed by Respondent on behalf of WFS once Respondent was advised that the registration of UST E5 was complete.
42. By letter dated February 10, 2016, NJDEP issued a Notice of Deficiency to WFS because a site plan for removal was not submitted by Respondent with the Facility Certification Questionnaire. The Notice of Deficiency indicated that the submittal had been reviewed and processed and requested that the "licensed site remediation professional" apply for the NOI to remove tank E5.
43. On February 16, 2016, Respondent filed a NOI with NJDEP to close UST E5.
44. Between February 19, 2016 and February 22, 2016, Respondent arranged for Lorco Petroleum Services ("Lorco Petroleum"), a petroleum recycling business located in Elizabeth, New Jersey ("Lorco Petroleum's facility"), to collect for disposal the contents of UST E5 at the Westbrook facility on February 24, 2016.

45. Lorco Petroleum is a Commercial storer and Transporter of PCB waste, assigned EPA ID # NJR000023036, as those terms are defined by 40 C.F. R. § 761.3.
46. On February 24, 2016, Respondent exposed UST E5 in preparation for the removal of both the tank and its contents.
47. At the time Respondent exposed UST E5, Respondent noted that it was a 2,000-gallon leaded gasoline tank that had contained waste oil.
48. Waste oil is commonly contaminated with PCBs.
49. Respondent did not test the contents of UST E5.
50. Respondent did not correct or amend the Underground Storage Tank Facility Certification Questionnaire submitted to NJDEP for UST E5 to indicate that the tank was bigger than first reported nor that it contained waste oil.
51. On February 24, 2016, Lorco Petroleum pumped 1,475 gallons of liquid from UST E5 at the Westbrook facility into a vacuum truck identified as #138.
52. UST E5 was covered with gravel and left in place.

Contents of UST E5

53. On February 24, 2016, Lorco Petroleum transported the contents of UST E5 from the Westbrook facility to Lorco Petroleum's facility in vacuum truck #138.
54. A straight bill of lading (# C 050190) accompanied the transport of the contents of UST E5 from the Westbrook facility to Lorco Petroleum's facility.
55. The contents of UST E5 were described on the straight bill of lading as "UN 1203 Gasoline Mixture 3, PGII, ERG 128."
56. The straight bill of lading made no reference to waste oil or PCBs.
57. On February 25, 2016, Lorco Petroleum had the contents of UST E5 tested while still in vacuum truck #138.
58. Testing of the contents of UST E5 showed that the contents of UST E5 contained PCBs at 78.4 parts per million (ppm).
59. The contents of UST E5 were PCB waste as that term is defined at 40 C.F.R. § 761.3.

60. On or before February 29, 2016, Lorco Petroleum contacted Respondent and advised it of the test results showing PCBs in the contents of UST E5.
61. Due to the presence of PCBs, Lorco Petroleum did not accept the contents of UST E5.
62. Lorco Petroleum also advised Respondent that an additional 125 gallons of PCB-contaminated 'rinse water' accumulated during decontaminating activities (*i.e.*, cleaning and triple rinsing) of Lorco Petroleum's vacuum truck #138 had been generated, bringing the total accumulation to 1,600 gallons (or more than 11,000 pounds) of PCB waste ("the Combined PCB Waste") at Lorco Petroleum that would need to be transferred elsewhere.
63. On or about March 3, 2016, Lorco Petroleum submitted to EPA a "Notification of Unmanifested PCB Load," pursuant to 40 C.F.R. § 761.216, describing the receipt of 1,475 gallons of PCB waste originating from UST E5 at the Westbrook facility with a PCB content of 78.4 ppm.
64. Lorco Petroleum placed the Combined PCB Waste into seven 275-gallon totes and five 55-gallon drums.
65. Between February 29, 2016 and March 7, 2016, Lorco Petroleum solicited pricing to dispose of the Combined PCB Waste, which it relayed to Respondent, and requested instructions from Respondent.
66. Respondent directed Lorco Petroleum to deliver the Combined PCB waste to Respondent's facility in Butler, NJ.
67. Lorco Petroleum transported the seven totes and five drums containing the Combined PCB Waste to Respondent's facility on March 10, 2016.
68. On March 12, 2016, Respondent's president, Mike Betts, personally transported the seven totes and five drums containing the Combined PCB Waste referenced in Paragraph 62, above, from Respondent's facility to the Westbrook facility.
69. Mr. Betts transported the Combined PCB Waste from Respondent's facility to the Westbrook facility in his own vehicle or in a vehicle owned by Respondent.
70. At the Westbrook facility, Mr. Betts transferred the Combined PCB Waste contained in the seven totes described in Paragraphs 64 and 67, above, into four additional 55-gallon drums and into UST E5.
71. Respondent told WFS that the Combined PCB Waste needed to be stored at the Westbrook facility until its eventual disposal.

EPA's Inspection of the Westbrook Facility

72. On April 20, 2016, duly designated representatives of the EPA conducted an inspection at the Westbrook facility pursuant to Section 11 of TSCA, 15 U.S.C. § 2610 (hereinafter "EPA Inspection").

73. The EPA Inspection followed EPA's receipt of the Notification of Unmanifested PCB Load referenced in paragraph 63, above, and was conducted for the purpose of determining Respondent's compliance with the EPA regulations pertaining to PCBs, codified at 40 C.F.R. Part 761.

74. During the EPA Inspection, the inspectors spoke via telephone to the project manager Respondent had assigned to the Westbrook facility, Kristen English.

75. During the EPA Inspection, Ms. English told the inspectors about the origins of the Combined PCB Waste, about soil sampling conducted around UST E5, and about Respondent's hopes to secure an economic disposal solution for the Combined PCB Waste and any additional PCB waste generated by the eventual removal and disposal of UST E5.

76. Ms. English did not tell the inspectors that any of the Combined PCB Waste had been put back into UST E5.

77. During the EPA Inspection, the inspectors were told about the nine drums containing some of the Combined PCB Waste.

78. During the EPA Inspection, the inspectors observed the nine drums containing some of the Combined PCB Waste.

79. During the EPA Inspection, the inspectors informed Ms. English about the PCB regulations at 40 CFR Part 761, specifically the requirements regarding PCB waste manifests, storage, marking, remediation, decontamination and Respondent's plans for disposal.

80. Subsequent to the EPA Inspection, an EPA inspector reviewed the documentation supplied by Lorco Petroleum and realized that the total volume of Combined PCB Waste could not be stored in the nine drums.

81. In a series of phone calls held between April 21, 2016 and April 28, 2016, Michael Betts explained to the EPA inspector that:

- a. he had personally transported the totes and drums "three at a time" from Respondent's facility to the Westbrook facility;
- b. he had effected the transfer of the Combined PCB Waste from the totes to the drums and to UST E5;

- c. only approximately 405 gallons of the Combined PCB Waste was stored in the nine 55-gallon drums, while the remainder (approximately 1195 gallons) had been “pumped back into the UST [UST E5];”
- d. he was accountable for not managing the drums correctly; and
- e. he acknowledged not labeling the drums.

Disposal of the Combined PCB Waste and UST E5

82. On September 26, 2016, the Combined PCB Waste stored in the nine 55-gallon drums at the Westbrook facility was provided by Respondent to a transporter (Environmental Waste Minimization Inc.) for off-site disposal at an approved PCB waste disposal facility, the Veolia ES Technical Solutions facility, in Flanders, New Jersey.

83. On September 28, 2016, the Combined PCB Waste stored in UST E5 was pumped out via dedicated PCB vacuum truck. The tank contents were transported by Lacy’s Express Inc. for off-site disposal at an approved PCB waste disposal facility, the Veolia ES Technical Solution facility, in Port Arthur, Texas.

84. Respondent took wipe samples of UST E5 on September 28, 2016.

85. Consistent with the results of the wipe samples referenced in paragraph 84, above, which showed PCB contamination, Respondent decontaminated and disposed of UST E5 in accordance with 40 C.F.R. § 761.79(c).

86. Following tank removal, strong petroleum odors, product staining and elevated gas detector readings were noted in the soil around and beneath where UST E5 had been, all of which are indications that the tank had leaked.

87. On October 12, 2016, Respondent submitted to NJDEP a “Confirmed Discharge Notification Form” for the petroleum contamination identified during closure of UST E5.

88. The Confirmed Discharge Notification Form stated that there was a hole in the tank’s base and a crack radiating from the fill port.

89. Respondent prepared and issued an “UST Closure Site Investigation Report,” dated March 2017, for the Westbrook facility, which noted that the tank was in poor condition, with holes and cracking, and had been a source of discharge.

Respondent’s PCB Activities

90. At all times relevant to this Complaint, Respondent had oversight or control of the Westbrook facility with respect to environmental management operations, including oversight and control of PCBs and PCB waste.

91. At all times relevant to this Complaint, Respondent's oversight and control of the Westbrook facility included responsibility for the marking, storage, transport, and disposal of PCBs, PCB Items, and PCB waste.
92. At all times relevant to this Complaint, Respondent was a person who holds PCB waste within the meaning of 40 C.F.R. Part 761.50(c).
93. At all times relevant to this Complaint, Respondent was an "operator" of the Westbrook facility within the meaning of 40 C.F.R. Part 761.65(b).
94. At all times relevant to this Complaint, Respondent conducted, directed, and/or oversaw the handling, management, storage, transportation and disposal of UST E5 and its contents at, to, and from the Westbrook facility.
95. Respondent had physical control of UST E5 and its contents from the time of the tank's discovery at the Westbrook facility.
96. Respondent caused PCBs and PCB items to become subject to disposal at the Westbrook facility.
97. Respondent, through its acts, caused the production of PCB waste, namely, the contaminated rinse water described in paragraph 62, above, that is regulated for disposal under 40 C.F.R. Part 761 subpart D.
98. At all times relevant to this Complaint, Respondent was a "generator" of "PCB waste" as those terms are defined at 40 CFR § 761.3.
99. Respondent is subject to the regulations and requirements pertaining to the marking, storage, transport, and disposal of PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and set forth at 40 C.F.R. Part 761.

COUNT 1

Manifesting PCBs from Westbrook to Lorco Petroleum

100. Paragraphs 1 through 99, above, are incorporated and realleged as if fully set forth herein.
101. Pursuant to 40 C.F.R. § 761.207(a), a generator who transports, or offers for transport, PCB waste for commercial off-site storage or off-site disposal must prepare a manifest on EPA Form 8700-22.
102. The contents of UST E5, which Respondent arranged to be transported by Lorco Petroleum from the Westbrook facility to the Lorco Petroleum facility for off-site disposal, are "PCB waste" as that term is defined at 40 C.F.R. §761.3.

103. Pursuant to 40 C.F.R. § 761.207(a)(1), Respondent was required to prepare a manifest on EPA Form 8700-22 for the contents of UST E5, specifying, among other things, the identity of the PCB waste.

104. Respondent did not prepare EPA Form 8700-22 for the contents of UST E5.

105. Respondent did not prepare a manifest of any kind for the contents of UST E5 it consigned to Lorco Petroleum for disposal identifying it as PCB waste.

106. Respondent's failure or refusal to prepare a manifest on EPA Form 8700-22 for the transport and disposal of the contents of UST E5 constitutes a failure or refusal to comply with 40 C.F.R. § 761.207, which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), for which a civil penalty may be assessed.

COUNT 2

Failure to Mark Transport Vehicle from Betts to Westbrook

107. Paragraphs 1 through 106 above are incorporated and realleged as if fully set forth herein.

108. Pursuant to 40 C.F.R. § 761.40(b), each transport vehicle loaded with PCB Containers that contain more than 45kg (99.4 pounds) of liquid PCBs at concentrations of greater than or equal to 50 ppm. . . shall be marked on each end and each side with the M_L mark as described in Section 761.45(a).

109. On March 12, 2016, Respondent transported the Combined PCB Waste in its own vehicle from its own facility to the Westbrook facility.

110. Respondent's vehicle is a transport vehicle as that term is defined at 40 C.F.R. § 761.3.

111. Respondent transported the Combined PCB Waste in PCB Containers that contained more than 45 kg (99.4 pounds) of liquid PCBs at concentrations of greater than or equal to 50 ppm.

112. Accordingly, pursuant to 40 C.F.R. § 761.40(b), Respondent was required to mark each end and each side of the transport vehicle with the M_L mark as described in 761.45(a).

113. Upon information and belief, Respondent did not mark each end and each side of the transport vehicle with the M_L mark as described in 40 C.F.R. § 761.45(a).

114. Respondent's failure or refusal to mark each end and each side of the transport vehicle with the M_L mark as described in 40 C.F.R. § 761.45(a) constitutes a failure or refusal to comply with 40 C.F.R. § 761.40(b), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C) for which a civil penalty may be assessed.

COUNT 3
Notification of PCB Activity

115. Paragraphs 1 through 114, above, are incorporated and realleged as if fully set forth herein.

116. Pursuant to 40 C.F.R. §§ 761.205(a)(2) and 761.205(c)(2), all generators of PCB waste who own or operate PCB storage facilities subject to the storage requirements of 40 C.F.R. § 761.65(b) (storage for disposal) must notify EPA of their PCB waste handling activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities.

117. Respondent stored PCBs designated for disposal, namely the Combined PCB Waste, at the Westbrook facility from approximately March 12, 2016 through September 28, 2016.

118. Respondent operated a PCB storage facility at the Westbrook facility which was subject to the storage requirements of 40 C.F.R. § 761.65(b) from approximately March 12, 2016 through September 28, 2016.

119. Pursuant to 40 C.F.R. §§ 761.205(a)(2) and 761.205(c)(2), Respondent was required to notify EPA of its PCB storage for disposal activities by filing EPA Form 7710-53 prior to engaging in PCB waste handling activities.

120. As of the date of EPA's Inspection on April 20, 2016, Respondent had not notified EPA, by filing EPA Form 7710-53, of its PCB waste handling activities.

121. As of January 2017, when EPA's Notification of PCB Waste Activity Database (available at www.epa.gov/pcbs) was last updated, EPA had not received a Notification of PCB Waste Activity for Respondent's PCB waste storage at the Westbrook facility from February through September 2016.

122. Respondent failed to notify EPA of its PCB waste handling activities by filing EPA Form 7710-53 prior to engaging in such activities or at any time thereafter.

123. Respondent failure or refusal to notify EPA of its PCB waste handling activities by filing EPA Form 7710-53 constitutes a failure or refusal to comply with 40 C.F.R. §§ 761.205(a)(2) and 761.205(c)(2), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C), for which a civil penalty may be assessed.

COUNT 4
Improper Storage of PCBs (Drums)

124. Paragraphs 1 through 123, above, are incorporated and realleged as if fully set forth herein.

125. Pursuant to 40 C.F.R. § 761.50(c), any person who holds PCB waste for disposal must store it in accordance with § 761.65.
126. At the time of EPA's Inspection Respondent was holding PCB waste in drums.
127. At the time of EPA's Inspection, Respondent was storing for disposal PCBs at over 50 ppm (the Combined PCB Waste) in nine 55-gallon drums at the Westbrook facility.
128. The drums described in paragraph 127 above constitute "PCB Containers" and PCB Items" as those terms are defined at 40 C.F.R. § 761.3.
129. Pursuant to 40 C.F.R. §§ 761.65(b)(1)(i)-(v), facilities used to store for disposal PCBs and PCB Items at concentrations of 50 ppm or greater are required to have, *inter alia*, an adequate floor and continuous curbing with a minimum six-inch high curb, a roof, and walls.
130. At the time of EPA's inspection, Respondent was required to store the drums described in paragraph 127 above, in a storage unit which has, *inter alia*, an adequate floor and continuous curbing with a minimum six-inch high curb, a roof, and walls.
131. At the time of EPA's Inspection, Respondent was storing the drums described in paragraph 127, above, outdoors, on a plywood panel with no floor, no roof, no walls, and no continuous curbing with a minimum six-inch high curb.
132. Respondent's storage of PCBs as described in paragraph 131, above, constitutes storage of PCBs and PCB Items designated for disposal in an inadequate storage unit in violation of 40 C.F.R. § 761.65(b)
133. Respondent's storage of PCBs and PCB Items awaiting disposal in an inadequate storage unit, as alleged in paragraphs 131 and 132, above, constitutes a failure or refusal to comply with 40 C.F.R. § 761.65(b), which is a violation of Section 15 (1)(C) of TSCA, 15 U.S.C. § 2614(1)(C) for which a civil penalty may be assessed.

COUNT 5

Marking PCB Storage Area (Drums)

134. Paragraphs 1 through 133, above, are incorporated and realleged as if fully set forth herein.
135. Pursuant to 40 C.F.R. § 761.40(a)(10), each storage area used to store PCBs and PCB Items for disposal must be marked with the -- M_L Mark as described and illustrated in 40 C.F.R. § 761.45(a).

136. At the time of EPA's Inspection, Respondent's storage area for the nine 55-gallon drums at the Westbrook facility described in Paragraph 127, above, was required to be marked with the Large PCB Mark-- M_L .

137. At the time of EPA's Inspection, there was no M_L Mark in the area where the nine 55-gallon drums were stored, as described in paragraph,127 above, and no M_L Mark anywhere that would indicate the presence of PCBs or the existence of a PCB storage area at the Westbrook facility.

138. Respondent's failure or refusal to mark the storage area containing the nine 55-gallon drums with the M_L Mark as alleged in paragraph 137, above, constitutes a failure or refusal to comply with 40 C.F.R. § 761.40(a), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C) for which a civil penalty may be assessed.

COUNT 6
Marking PCB Containers (Drums)

139. Paragraphs 1 through 138, above, are incorporated and realleged as if fully set forth herein.

140. Pursuant to 40 C.F.R. § 761.40(a)(1), PCB Containers are required to be marked with the M_L Mark as described and illustrated in 40 C.F.R. § 761.45(a).

141. At the time of EPA's inspection, each of the nine 55-gallon drums at the Westbrook facility described in Paragraph 127, above was required to be marked with the Large PCB Mark--M_L.

142. At the time of EPA's Inspection, none of the nine 55-gallon drums at the Westbrook facility described in Paragraph 127, above was marked with the M_L Mark.

143. Respondent's failure or refusal to mark PCB Containers with the M_L Mark as alleged in paragraph 142, above, constitutes a failure or refusal to comply with 40 C.F.R. § 761.40(a), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C) for which a civil penalty may be assessed.

COUNT 7
Improper Storage of PCBs (UST E5)

144. Paragraphs 1 through 143, above, are incorporated and realleged as if fully set forth herein.

145. At the time of EPA's Inspection, Respondent was holding PCB waste in a tank (UST E5).

146. At the time of EPA's Inspection, Respondent was storing for disposal PCBs at over 50 ppm (the Combined PCB Waste) in the 2,000 gallon UST E5 at the Westbrook facility.

147. UST E5, above constitutes a "PCB Container" and "PCB Item" as those terms are defined at 40 C.F.R. § 761.3.

148. Pursuant to 40 C.F.R. §§ 761.65(b)(1)(i)-(v), facilities used to store for disposal PCBs and PCB Items at concentrations of 50 ppm or greater are required to have, *inter alia*, a floor with continuous curbing that provides a containment volume equal to at least two times the internal volume of the PCB Container and no openings that would permit liquids to flow from the curbed area.

149. UST E5 was stored outdoors underneath the ground with no floor with continuous curbing.

150. UST E5 was stored outdoors underneath the ground with no secondary containment of any kind.

151. UST E5 was a single-wall bare steel tank with holes and cracks.

152. Respondent's storage of PCBs in UST E5 constitutes storage of PCBs and PCB Items designated for disposal in an inadequate storage unit in violation of 40 C.F.R. § 761.65(b).

153. Respondent's storage of PCBs and PCB Items awaiting disposal in an inadequate storage unit constitutes a failure or refusal to comply with 40 C.F.R. § 761.65(b), which is a violation of Section 15 (1)(C) of TSCA, 15 U.S.C. § 2614(1)(C) for which a civil penalty may be assessed.

COUNT 8
Marking PCB Storage Area (UST E5)

154. Paragraphs 1 through 153 above, are incorporated and realleged as if fully set forth herein.

155. At the time of EPA's Inspection, Respondent's storage area for UST E5 at the Westbrook facility was required to be marked with the M_L Mark as described and illustrated in 40 C.F.R. § 761.45(a)

156. At the time of EPA's Inspection, there were no M_L markings on the ground in and around the UST and no markings anywhere at the Westbrook facility that would indicate the presence of PCBs in UST E5.

157. Respondent's failure or refusal to mark the storage area containing the UST used to store PCBs and PCB Items for disposal with the M_L Mark as alleged in paragraph 156 above,

constitutes a failure or refusal to comply with 40 C.F.R. § 761.40(a), which is a violation of Section 15(1)(C) of TSCA, 15 U.S.C.

PROPOSED CIVIL PENALTY

Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation described above. Pursuant to the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. § 3701, amendments to the Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, have adjusted this maximum amount to \$37,500 per day per violation occurring between December 6, 2013 and November 2, 2015 and to \$38,114 for violations occurring on or after November 3, 2015 and assessed on or after January 15, 2017. See 2016 Civil Monetary Penalty Inflation Adjustment Rule (“2016 Adjustment Rule”) and 2017 Civil Monetary Penalty Inflation Adjustment Rule, 82 Fed. Reg. 3633, 3636 (January 12, 2017).

The proposed civil penalty has been determined in accordance with Section 16(a)(2)(B) of TSCA, 15 U.S.C. Section 2615(a)(2)(B). For the purposes of determining the amount of any penalty to be assessed, the Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, its ability to pay, the effect of the penalty on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require, to the extent known. To develop the proposed penalty for the alleged violations in this Complaint, Complainant has taken into account the particular facts and circumstances of this case with specific references to EPA’s “Polychlorinated Biphenyls (“PCB”) Penalty Policy” (the “PCB Penalty Policy”), dated April 9, 1990. See EPA’s “Notice of Availability of Polychlorinated Biphenyls Penalty Policy,” 55 Fed. Reg. 13955 (April 13, 1990). This policy provides rational, consistent, and equitable calculation methodologies for applying the statutory penalty factors enumerated above to particular cases and penalty matrices which have been adjusted by the 2008 Civil Monetary Penalty Adjustment Rule, 73 Fed. Reg. 75340 (December 11, 2008) and the 2016 Adjustment Rule. Copies of these documents are available on request, or can be found on the web at <https://www.epa.gov/enforcement/policy-guidance-publications>.

The PCB Penalty Policy states that a gravity-based penalty should be determined by considering the “extent” level and the “circumstance” level of a violation. The extent level of a violation takes into account that the quantity and concentration of PCBs involved in a violation affects the degree and likelihood of harm from the conduct or activity violating the PCB rules. The circumstance level of a violation reflects the probability of causing harm to human health or the environment. In accordance with Agency policies regarding modifications to the relevant penalty policies, the total gravity-based penalty amount is rounded to the nearest unit of \$100.

The Complainant proposes, subject to receipt and evaluation of further relevant information, that Respondent be assessed the following civil penalties for the violations alleged in the Complaint:

Count 1: Failure to Identify PCBs on Manifest from Westbrook to Lorco Petroleum

Requirement: 40 C.F.R. § 761.207(a): all PCB waste submitted for off-site disposal must be identified as PCB waste on the manifest (EPA Form 8700-22).

Violations: PCB waste was shipped for disposal without such identification on a manifest.

Circumstance: 1 (major manifesting)

Extent: **Major** (more than 1,100 gallons)
1,475 gallons

Concentration Reduction: as allowed by the PCB Penalty Policy, when PCB concentration is between 50 and 499, the total amount of PCB material involved can be reduced by 30% of volume
1475 gallons x 30% reduction = 1032.5 gallons

Revised Extent Category - **Significant** (between 220 and 1,100 gallons)

Proposed Penalty: \$25,500

Count 2: Failure to Mark Transport Vehicle

Requirement: 40 C.F.R. § 761.40(b): Transport vehicle loaded with PCB Containers of certain weight and concentration must be marked on each end and each side with the PCB M_L mark as described in Section 761.45(a).

Violations: PCB Containers were shipped in a Transport vehicle that did not have any PCB M_L mark.

Circumstance: 2 (major marking)

Extent: **Major** (more than 1,100 gallons)
1,600 gallons

Proposed Penalty: \$30,000

Count 3: Notification of PCB Waste Activity

Requirement: 40 C.F.R. § 761.205(a)(2): Each generator is required to notify EPA of PCB waste activities by filing EPA Form 7710-53 prior to engaging in PCB waste handling activities.

Violation: A notification of PCB waste activity was not filed for the on-site PCB waste storage activity.

Circumstance: **1** (failure to notify EPA)

Extent: **Major** (more than 1100 gallons)
1600 gallons

Penalty: \$37,500

Count 4: PCB Storage Area (Drums)

Requirement: 40 C.F.R. § 761.65(b): PCBs and PCB Items designated for disposal must be stored in a proper storage facility which complies with the specifications of this section, including an adequate floor, roof, walls, and continuous curbing with a minimum six-inch high curb.

Violation: Material contaminated with PCBs at levels greater than 50 ppm were stored in a location without a floor, roof, wall and curbing.

Circumstance: **2** (major storage)

Extent: **Significant** (between 220 and 1100 gallons)
405 gallons (stored in drums)

Penalty: \$19,500

Count 5: Marking PCB Storage Area (Drums)

Requirement: 40 C.F.R. § 761.40(a)(10): Each storage area used to store PCBs and PCB Items for disposal must be labeled with the PCB mark "M_L" as described and illustrated in 40 C.F.R. § 761.45.

Violation: The area used to store nine drums of PCB waste for disposal was not labeled with the PCB mark "M_L".

Circumstance: **2** (major marking)

Extent: **Significant** (between 220 and 1100 gallons)
405 gallons

Penalty: \$19,500

Count 6: Marking PCB Drums

Requirement: 40 C.F.R. § 761.40(a)(1): Each PCB Container must be labeled with the PCB mark "M_L" as described and illustrated in 40 C.F.R. § 761.45.

Violation: Nine drums of PCB waste in storage for disposal were not labeled with the PCB mark "M_L".

Circumstance: 2 (major marking)

Extent: **Significant** (between 220 and 1100 gallons)
405 gallons

Penalty: \$19,500

Count 7: PCB Storage Area (UST E5)

Requirement: 40 C.F.R. § 761.65(b): PCBs and PCB Items designated for disposal must be stored in a proper storage facility which complies with the specifications of this section, including an adequate floor with continuous curbing that provides secondary containment.

Violation: Material contaminated with PCBs at levels greater than 50 ppm were stored in a location without an adequate floor with continuous curbing that provides secondary containment.

Circumstance: 2 (major storage)

Extent: **Major** (more than 1100 gallons)
1,195 gallons (stored in UST)

Concentration Reduction: as allowed by the PCB Penalty Policy, when PCB concentration is between 50 and 499, the total amount of PCB material involved can be reduced by 30% of volume

1195 gallons x 30% reduction = 836.5 gallons

Revised Extent Category - Significant (between 220 and 1,100 gallons)

Penalty: \$19,500

Count 8: Marking PCB Storage Area (UST E5)

Requirement: 40 C.F.R. § 761.40(a)(10): Each storage area used to store PCBs and PCB Items for disposal must be labeled with the PCB mark "M_L" as described and illustrated in 40 C.F.R. § 761.45.

Violation: The area used to store PCB waste in an underground storage tank for disposal was not labeled with the PCB mark "M_L".

Circumstance: 2 (major marking)

Extent: **Major** (more than 1100 gallons)
1,195 gallons (stored in UST)

Concentration Reduction: as allowed by the PCB Penalty Policy, when PCB concentration is between 50 and 499, the total amount of PCB material involved can be reduced by 30% of volume
1195 gallons x 30% reduction = 836.5 gallons

Revised Extent Category - Significant (between 220 and 1,100 gallons)

Penalty: \$19,500

Total Proposed Penalty: \$190,500

PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation were originally set forth in 64 *Fed. Reg.* 40138 (July 23, 1999), entitled CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION COMPLIANCE ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS ("Consolidated Rules of Practice"), and which are codified at 40 C.F.R. Part 22. These rules were recently amended to simplify the administrative processing of cases by expanding the availability of electronic filing and service procedures and eliminating inconsistencies. 82 *Fed. Reg.* 2230, January 9, 2017. These amendments became effective on May 22, 2017 and apply to all new case filings after that date. A copy of the current Consolidated Rules of Practice, incorporating these amendments, accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is

entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written answer to the Complaint, and such Answer must be filed within 30 days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

(NOTE: Any documents that are filed after the Answer has been filed should be filed as specified in "D" below).

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. 40 C.F.R. § 22.15(a).

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding) and (3) whether Respondent requests a hearing. 40 C.F.R. § 22.15(b).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. § 22.15(c). If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely [i.e. in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)] Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefor shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount.

D. Filing of Documents Filed After the Answer

Unless otherwise ordered by the Presiding Officer for this proceeding, all documents filed after the Respondent has filed an Answer should be filed with the Headquarters Hearing Clerk acting on behalf of the Regional Hearing Clerk, addressed as follows:

If filing by the United States Postal Service:

Mary Angeles
Headquarters Hearing Clerk
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

If filing by UPS, FedEx, DHL, or other courier or personal delivery, address to:

Mary Angeles
Headquarters Hearing Clerk
Office of Administrative Law Judges
Ronald Reagan Building, Room M 1200
U.S. Environmental Protection Agency
1300 Pennsylvania Avenue, NW
Washington, D.C. 20460

E. Exhaustion of Administrative Remedies

Where Respondent fails to appeal an adverse initial decision to the Environmental Appeals Board (“EAB”) (see 40 C.F.R. § 1.25(e)) pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondent waives its right to judicial review. 40 C.F.R. § 22.27(d).

In order to appeal an initial decision to the Agency’s Environmental Appeals Board, Respondent must do so “within twenty (20) days after the initial decision is served upon the parties”. 40 C.F.R. § 22.30(a). Pursuant to 40 C.F.R. § 22.07(c), where service is effected by mail, “five days shall be added to the time allowed by these rules for the filing of a responsive pleading or document.” Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) [discussing when an initial decision becomes a final order] does not pertain to or extend the time period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant’s calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent’s ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant or to dismiss any or all of the charges, if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to the EPA Assistant Regional Counsel listed below:

Bruce H. Aber
 Assistant Regional Counsel
 Office of Regional Counsel
 U.S. Environmental Protection Agency, Region 2
 290 Broadway, 16th floor
 New York, New York 10007-1866

(212) 637-3224

Aber.bruce@epa.gov

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. 40 C.F.R. § 22.18(b)(1). Respondent's requesting a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written consent agreement. 40 C.F.R. § 22.18(b)(2). In accepting the consent agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the final order that is to accompany the consent agreement. 40 C.F.R. § 22.18(b)(2). In order to conclude the proceeding, a final order ratifying the parties' agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondent's entering into a settlement through the signing of such Consent Agreement and its complying with the terms and conditions set forth in the Consent Agreement terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may resolve this proceeding by paying the specific penalty proposed in the Complaint. 40 C.F.R. § 22.18(a). Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "Treasurer, United States of America", in the full amount of the penalty assessed in this Complaint to the following addressee:

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

The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

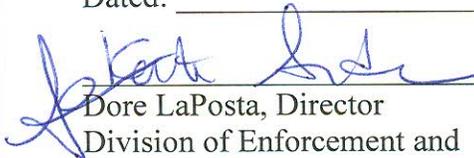
Alternatively, payment may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment;
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045;
- 3) Account: 68010727;
- 4) ABA number: 021030004;
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency";
- 6) Name of Respondent; and
- 7) Docket Number TSCA-02-2017-9104

A copy of the check or other instrument of payment shall be filed with the Regional Hearing Clerk, Region 2 (at the New York address noted above) and a copy provided to the EPA Assistant Regional Counsel identified previously.

Pursuant to 40 C.F.R. § 22.18(a)(3), upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a final order. Issuance of this final order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said final order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable regulations and requirements, and to maintain such compliance.

Dated: AUG - 3 , 2017



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, NY 10007

TO: Michael W. Betts, President
Betts Environmental Services Corporation

160 Hamburg Turnpike
Butler, New Jersey 07405

Enclosure

cc: Kirstin Pointin-Hahn, Chief
Bureau of Case Assignment & Initial Notice
Site Remediation Program
NJ Department of Environmental Protection
Mail Code 401-05H
PO Box 420
Trenton, NJ 08625-0420

Janine MacGregor
SRPL Board Executive Director
Site Remediation Program
NJ Department of Environmental Protection
Mail Code 401-406
PO Box 420
Trenton, NJ 08625-0420

6-30A

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Complaint, bearing Docket Number TSCA-02- 2017 -9104 and a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, by certified mail, return receipt requested, to:

Michael W. Betts, President
Betts Environmental Services Corporation
160 Hamburg Turnpike
Butler, New Jersey 07405

I hand-carried the original and a copy of the foregoing Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2, 290 Broadway, 16th floor, New York, New York 10007-1866.

Dated: August 8, 2017
New York, New York

A handwritten signature in black ink, appearing to read "Gary Monte", written over a horizontal line.

Wm. W. W. W.

August 2