



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II  
2013 AUG 27 P 12:14  
REGIONAL HEARING  
CLERK

AUG 23 2013

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Numbers: 7005 3110 0000 5940 4683 - 7005 3110 0000 5940 4690 - 7005 3110 0000 5940 4706**

Joseph Kriz, Operations Manager  
Amco Polymers, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

Joseph Kriz, Operations Manager  
Ravago Manufacturing America, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

Jim Ashton, President  
Ravago Manufacturing Americas  
1900 Summit Tower Boulevard, Suite 900  
Orlando, FL 32810

RE: In the Matter of: Amco Polymers, LLC and/or Ravago Manufacturing America, LLC and Ravago Manufacturing Americas  
Docket Number: SDWA-02-2013-8902

Dear Mr. Kriz and Mr. Ashton:

Enclosed is a Complaint issued to Amco Polymers, LLC and/or Ravago Manufacturing America, LLC and Ravago Manufacturing Americas ("Respondents") by the U.S. Environmental Protection Agency ("EPA"). The EPA has determined that Respondents are in violation of Part C of the Safe Drinking Water Act ("the Act") and the regulations promulgated thereunder, relating to underground injection. Therefore, pursuant to §1423(c) of the Act, 42 U.S.C. §300h-2(c), EPA seeks to assess a penalty in the amount of **\$15,000** against Respondents for these violations.

Respondents have the right to a hearing to contest the factual allegations in the Complaint. If the allegations are admitted, or they are found to be true after an opportunity for a hearing on them, Respondents have the right to contest the penalty and the compliance measures proposed in the Complaint. I have enclosed a copy of the administrative Consolidated Rules of Practice ("CROP"), 40 C.F.R. Part 22, which EPA follows in cases of this kind. Also note 40 C.F.R. Part 22 Subpart I. Please take particular note of 40 C.F.R. §22.15 with regard to filing an Answer in this matter. **If Respondents wish to contest the allegations in the Complaint or the penalty proposed or the proposed compliance measures detailed in the Complaint, an Answer must be filed within thirty (30) days of your receipt of the enclosed Complaint. The Answer and one copy must be mailed to the EPA Regional Hearing Clerk at the following address:**

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

You must also send a copy of your Answer to:

Kara E. Murphy, Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York 10007

If Respondents do not file an Answer within thirty (30) days of receipt of this Complaint, Respondents may be judged to have defaulted. In the event of default, each allegation in the Complaint will be deemed to be admitted. Respondents will have waived the right to appear in this action and the entire proposed penalty and all proposed compliance measures may be ordered without further proceedings.

Whether or not a hearing is requested, Respondents may confer informally, with the EPA concerning the alleged violations, the amount of the proposed penalty and/or the compliance measures. The EPA encourages all parties against whom it files a Complaint to pursue settlement discussions. The EPA also encourages the use of Supplemental Environmental Projects, where appropriate, as part of the settlement. Enclosed is a copy of the EPA Supplemental Environmental Projects Policy (May 1, 1998) for your consideration. Respondents may represent themselves or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone. Please note that a request for an informal conference does not substitute for a written Answer or effect what may be asserted in an Answer, nor does it extend the thirty (30) days by which to file an Answer or a Hearing Request. Any hearing held in this matter will be conducted in accordance with the CROP.

EPA urges your prompt attention to this matter. If you have any questions or wish to discuss a settlement of this matter with EPA by an informal conference, please immediately contact Ms. Murphy, Assistant Regional Counsel, at (212) 637-3211.

Sincerely,



*for* Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosures

cc: Karen Maples, Regional Hearing Clerk (w/Complaint only)

John Lovejoy (w/Compliant only)  
Nassau County Department of Health  
106 Charles Lindbergh Blvd  
Uniondale, NY 11553

William Spitz (w/Complaint only)  
NYSDEC  
SUNY at Stony Brook  
50 Circle Road  
Stony Brook, New York 11790

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

**IN THE MATTER OF:**

Amco Polymers, LLC and/or  
Ravago Manufacturing America, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

Ravago Manufacturing Americas  
1900 Summit Tower Boulevard, Suite 900  
Orlando, Florida 32810

Respondents

Proceedings under Section 1423(c) of the Safe  
Drinking Water Act, 42 U.S.C. §300h-2(c)

**COMPLAINT,  
NOTICE OF VIOLATION,  
PROPOSED ADMINISTRATIVE ORDER  
WITH CIVIL PENALTY AND  
OPPORTUNITY TO REQUEST A  
HEARING**

**DOCKET NO.  
SDWA-02-2013-8902**

REGIONAL HEARING  
CLERK

2013 AUG 27 P 12:11

U.S. ENVIRONMENTAL  
PROTECTION AGENCY-REG. II

**COMPLAINT AND NOTICE OF SAFE DRINKING WATER ACT  
VIOLATIONS**

**I. STATUTORY and REGULATORY AUTHORITIES**

1. This Complaint, Notice of Violation, Proposed Administrative Order with Civil Penalty and Opportunity to Request a Hearing, is hereinafter referred to as "Complaint" and is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("SDWA" or "Act"), 42 U.S.C. §300h-2(c). The EPA Administrator has delegated the authority to take these actions to the Regional Administrator for EPA, Region 2, who in turn has delegated the authority to the Director of the Division of Enforcement and Compliance Assistance, Region 2 ("Complainant").
2. Pursuant to Section 1423(c) of the Act, 42 U.S.C. §300h-2(c), and in accordance with the administrative Consolidated Rules of Practice ("CROP") 40 C.F.R. Part 22, Complainant hereby requests that the Regional Administrator assess a civil penalty against a person for violations of the Act and the regulations promulgated thereunder and requires such person to take certain actions to achieve compliance with the Act and the regulations promulgated thereunder.
3. Sections 1421(a) and (b) of the Act, 42 U.S.C. §§300h(a) and (b), requires the EPA Administrator to promulgate regulations establishing minimum requirements for effective programs to prevent underground injection which endangers drinking water sources. See 40 C.F.R. Parts 124, 142, 144, 146, and 147, Subpart HH.

5. Based on the above, Respondents are subject to the requirements of Part C of the SDWA, 32 U.S.C. §300h *et seq.* and implementing regulations found at 40 C.F.R. Parts 124, 144, 146 and 147, Subpart HH.

### **III. FINDINGS OF FACT AND VIOLATION**

1. The paragraphs above are re-alleged and incorporated herein by reference.
2. On March 5, 2013, EPA conducted an inspection (“Inspection”) at Respondents’ Site.
3. During the Inspection, the EPA inspector made the following findings and observations:
  - a. Eleven Class V exterior open grate storm water drainage wells and/or drywells (hereinafter “UIC Wells”) were observed at the Site. The four UIC Wells on the south side of the Site are referred to hereinafter as UIC Wells #1 to #4 from east to west. *See* diagram in Attachment 1.
  - b. A horizontal metal pipe was observed entering the side of UIC Well #4 from the direction of the Site building. According to Site representatives, the pipe is used to discharge re-circulated process water (cooling water from cooling baths) from the closed loop cooling system inside the building into the UIC Well #4. A Site representative explained that the discharge occurs intermittently if there is a “clog” and that there is no mechanism in place to indicate that a discharge has occurred.
  - c. An apparatus that was stated to be a sump pump was observed in UIC Well #4. According to a Site representative, the sump pump pumps water from UIC Well #4 to another UIC Well to prevent icing.
  - d. A horizontal pipe was observed entering the side of UIC Well #3 from the direction of the Site building. According to Site representatives, the purpose of the pipe was not known.
  - e. A possible pipe entering/exiting UIC Well #2 was observed. A cone shaped object was observed inside UIC Well #2 which when hit with a crowbar was soft material on the outside appearing to be around a metal sounding object on the inside.
  - f. EPA observed staining on the pavement in the immediate vicinity of and on the open grate tops of UIC Wells #1 and #2 which indicated that a yellow-green substance entered the UIC Wells. Based on photos taken inside of UIC Wells #1 and #2, the water inside both UIC Wells was discolored a yellow-green color; and based on photos taken of the inside of UIC Well #2 there were yellowish colored filament like streaks in the water inside the well. A Site representative during the walk through stated he did not know what the yellow-green color was. During the closing conference the property owner stated that yellow pigments are used as part of the manufacturing process at the Site.

- g. Best Management Practices (BMPs) were inadequate at Respondents' Site to protect UIC Wells on the south side of the Site from spills, leaks or other discharges of industrial contaminants.
  - h. The paved drive area on the south side of the Site where UIC Wells #1 to #4 are located is used for trucks to offload hard plastic pellets via piping into silos; has a cooling tower and enclosed dust collector system; and is used for open storage of what appeared to be discarded items. Based on photos taken of this area there was a large discarded cardboard box labeled "Total Petrochemicals" and "Polypropylene".
  - i. A current as built plan for the eleven UIC Wells showing depths, direction of flow, interconnections and internal connections was not available at the time of Inspection.
4. Based on the Inspection findings above, at least three UIC Wells at the Site receive discharges other than storm water and are classified as Industrial Process Water & Waste Disposal Wells and/or Industrial Drainage Wells.
  5. Plastic resin and plastics products industry process water may contain hazardous substances as defined by EPA at 40 C.F.R Part 302. Cooling water may come in contact with raw materials or plastic products; and/or may be generated from water that contains contaminants.
  6. To date, Respondents have not ceased injection.
  7. The Site is located above the Long Island Sole Source Aquifer, an USDW.
  8. Based on the Findings above, the Site's UIC Wells, therefore, discharge into or above an USDW.
  9. An injection activity that allows the movement of fluid containing any contaminant into an USDW, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 C.F.R. Part 142 or may otherwise adversely affect the health of persons, is prohibited.
  10. Based on the Findings above, Respondents are in violation of 40 C.F.R. §144.11 by injection without authorization to inject and 40 C.F.R. §144.12 by injection which may endanger USDWs.

#### **IV. PROPOSED ADMINISTRATIVE ORDER**

1. **Penalty:** EPA proposes to issue a Final Administrative Order ("Final Order"). The Final Order will be based on the foregoing Findings of Violation and pursuant to the authority of Section 1423(c) of the Act, 42 U.S.C. §300h-2(c), and the Debt Collection Improvement Act of 1996. EPA, Region 2, hereby proposes to issue a Final Administrative Order against the Respondents, assessing a penalty of **\$15,000**. EPA determined the proposed penalty in accordance with the terms of the SDWA, which takes into account statutory factors, including the seriousness of the violation(s); the economic benefit (if any) resulting from the violation(s); the history of such violation(s); the good-faith efforts to comply with the applicable requirements; the economic impact of the penalty on the violator; and such other matters as justice may require.

2. **Compliance Measures:** In addition to paying a penalty, Respondents will be ordered to:
- a. **Cease Injection:** As of the date the Final Order is issued and signed by the Complainant (“Effective Date”), Respondents must discontinue the use of UIC Wells for the disposal of all industrial waste, including but not limited to the piped discharges from inside the Site (i.e. internal connections), and spills, leaks or other discharges of industrial contaminants.
  - b. **Remediation/Closure Plan Submittal:** Within 30 days of the Effective Date of the Final Order, Respondents must submit a Remediation/Closure Plan detailing how the UIC Wells subject to this Complaint will be properly remediated and, if applicable, permanently closed. The Remediation/Closure Plan must be developed in accordance with the well remediation/closure requirements incorporated into this Complaint as Attachment 2 and the following requirements:
    - i. **Determine All Internal Connections and Discharges to UIC Wells:** Respondents must determine all internal connections and piped discharges to any UIC Wells identified during the Inspection and any other unidentified UIC wells. Identify the point in the manufacturing process where the discharge(s) originate. Identify all UIC Wells receiving or having the potential to receive internal discharges either directly, via sump pump, or via internal connections among UIC Wells. Provide a description of all fluids which enter the UIC Wells via an internal piped discharge. Include the types of fluids that enter, have entered, or have the potential to enter each of the UIC wells. Identify potential contaminants discharged and ensure the end-point samples for all impacted wells are analyzed for all probable contaminants.
    - ii. **Determine All Interconnections/Overflow Wells among UIC Wells:** Respondents must determine all interconnections and overflows among UIC Wells.
    - iii. **Provide Current As Built Plan for UIC Wells:** Respondents must provide a current as built plan for all UIC Wells at the Site including depths, interconnections and internal connections such as that in UIC Well #4. Provide a schematic diagram of the injection well system including the internal connections and interconnections/overflow among Wells as determined in b.i and b.ii, above. Include significant Site features (e.g., loading dock, chemical storage, waste parts storage) and their proximity to UIC Wells.
    - iv. **Identify Probable Contaminant(s) Spilled, Leaked or Otherwise Discharged:** Respondents must identify the probable cause of the yellow-green substance in UIC Wells #1 and #2 and ensure the end-point samples for all impacted Wells are analyzed for all probable contaminants.
    - v. **Identify Types of Activities Conducted and Materials Stored/Handled Near UIC Wells:** Respondents must identify all activities conducted and materials loaded/offloaded/handled/stored on south side of the Site and in truck loading bays on west side of the Site.

- vi. **Type of Facility/Activities/Manufacturing Processes/SIC:** Respondents must provide a description characterizing the Site, the types of activities and the types of manufacturing processes conducted. Include the primary and all secondary Standard Industrial Classification (SIC) codes and North American Industry Classification System (NAICS) codes for the Site.
- vii. **Method for Ground Water Sampling and Analyses:** Respondents must provide a method for ground water sampling and analyses in the event ground water is reached during remediation.
- viii. **Permanent Closure of Internal Connections/Remediation; Protect from Industrial Discharges due to Spills, Leaks or Other; or Permanently Close:** Respondents must describe how UIC Wells #1 to #4 on the south side of the Site, including any associated overflow UIC Wells and any other injection wells that have received industrial contaminants at the Site:
  - 1. will have all internal connections permanently disconnected.
  - 2. will be properly remediated.
  - 3. will be protected from industrial contaminants due to spills, leaks, or other discharges; or permanently closed if sufficient BMPs cannot be implemented to prevent discharges.

EPA will review the Remediation/Closure Plan and approve or provide comments within 45 days after receipt of the Remediation/Closure Plan from Respondents.

Please note that the continued use of any UIC Wells subject to this Complaint, for the discharge of storm water runoff, after remediation is completed must be approved by EPA pursuant to Paragraph 4, below.

- 3. **UIC Well Remediation/Closure Final Report Submittal:** Within 180 days of the Effective Date of the Final Order, Respondents must submit a Final Report to EPA, summarizing the work completed in fulfillment of the requirements of the Final Order and as required by the EPA approved Remediation/Closure Plan. EPA will notify Respondents in writing as to whether the UIC Well remediation/closure and Final Report are adequate or if additional measures must be taken.
- 4. **Request for Authorization of Remediated UIC Wells:** Should Respondents desire to continue to utilize the UIC Wells subject to this Complaint for the disposal of storm water runoff, after the permanent closure of internal connections and remediation required pursuant to Paragraph 2 of this section is completed, Respondents must submit a written request (“Request”) to EPA within 180 days of the Effective Date of the Final Order indicating Respondents desire to obtain authorization for continued injection of storm water runoff only. This Request must include, at a minimum:
  - a. **A BMP Plan:** BMP Plan to protect UIC Wells receiving storm water from industrial contaminants due to spills, leaks, or other discharges. The BMP Plan must utilize the information obtained from the investigations in IV.2, above. Examples of BMPs include covering work and storage areas, berming, employee training, etc. or alternatives such as holding and hauling.

- b. **Ground Water Depth:** provide the depth to ground water at the Site and on the south side of the Site. Identify how depth was determined.
- c. **Public or Private Drinking Water Wells:** provide any known public or private drinking water wells within a ½ mile radius of the Site.
- d. **Inventory Information Submittal:** provide inventory information for the UIC Wells for which you are requesting authorization for continued injection of storm water runoff. Include completed EPA form 7520-16 Inventory of Injection Wells according to the USEPA Region II Supplemental Instructions (Attachment 3). Include the name, address and phone number of the land owner, business owner and legal contact including the organizational type for each such as individual, corporation, company, association, partnership, LLC or municipality. Provide a contact name for all three.

Once EPA completes its review of the Request, EPA will send Respondents a written response approving or denying the Request, or detailing any additional information needed to evaluate the Request and may include additional requirements that must be met in order for the Request to be approved under authorization by rule.

All information required in the Final Order must be sent to the following:

Nicole Foley Kraft, Chief  
Groundwater Compliance Section  
U.S. EPA, Region 2  
290 Broadway, 20th Floor  
New York, New York 10007-1866

5. The Final Order does not constitute a waiver, suspension or modification of the requirements of 40 C.F.R. Part 147, Subpart HH, which remain in full force and effect. Issuance of the Final Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.
6. Violations of the terms of the Final Order after its Effective Date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. §300h-2(c)(6), may subject Respondents to additional civil and/or criminal enforcement actions of the Final Order, pursuant to Section 1423(b) of the Act, 42 U.S.C. §300h-2(b). Failure to act in accordance with the Final Order truthfully and accurately within the time provided may subject Respondents to sanctions authorized by federal law. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

#### **V. OPPORTUNITY FOR A HEARING**

1. Respondents may, within thirty (30) days of receipt of this Complaint, and as part of any Answer filed in this matter, request a hearing (“Hearing Request”) on the proposed civil penalty assessment and the actions proposed to achieve compliance with the Act, as detailed in Section IV, above. At the hearing, Respondents may contest the factual allegations set forth in the Findings sections above; the appropriateness of any penalty amount; and appropriateness of any compliance measures contained in Section IV, above. The procedures for the hearing, if one is requested, are set out in the CROP, including Subpart I. A copy of the CROP is attached.



2. Should Respondents request a hearing on this proposed penalty assessment and/or compliance measures, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 1423(c)(3) of the Act, 42 U.S.C. §300h-2(c)(3), to be heard and to present evidence on the appropriateness of the penalty assessment and compliance measures. Should Respondents not request a hearing, EPA will issue a Final Order and only members of the public who submit timely comment on this Complaint will have an additional thirty (30) days to petition EPA to set aside the Final Order and to hold a hearing thereon. EPA will grant the petition and will hold a hearing only if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order.

#### **A. Filing an Answer**

3. If Respondents wish to avoid being found in default, Respondents must file a written Answer to this Complaint with the Regional Hearing Clerk no later than thirty (30) days from the date of receipt of this Complaint. Under authority of 40 C.F.R. §22.17, EPA may file a motion seeking a default order thirty (30) days after Respondents' receipt of the Complaint, unless Respondents file an Answer within that time. If a default order is entered, the entire proposed penalty may be assessed and the proposed compliance measures may be required, without further proceedings.
4. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with respect to which Respondents have knowledge, or, clearly state that Respondents have no knowledge as to particular factual allegations in the Complaint. The Answer also shall state:
  - a. circumstances or arguments which are alleged to constitute grounds of any defense;
  - b. facts which the Respondents dispute;
  - c. basis for opposing the proposed relief;
  - d. whether a hearing has been requested.
5. Failure of Respondents to admit, deny or explain any material factual allegation in the Complaint shall constitute admission of the allegation.

#### **B. Filing of Documents**

6. In accordance with the CROP, the Answer and any Hearing Request and all subsequent documents filed in this action should be sent to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York 10007-1866

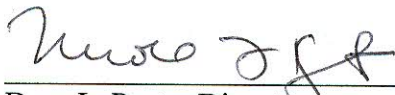
7. A copy of the Answer, any Hearing Request, and all subsequent documents filed in this action shall be sent to:

Kara E. Murphy, Assistant Regional Counsel  
Water & General Law Branch  
Office of Regional Counsel  
U.S. EPA, Region 2  
290 Broadway – 16<sup>th</sup> Floor  
New York, New York 10007

**VI. GENERAL PROVISIONS**

1. Respondents have the right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder or any applicable UIC permit.
3. Complainant specifically reserves all rights to pursue criminal enforcement as well as the right to initiate an action for imminent and substantial endangerment, including the right to seek injunctive relief and/or the imposition of statutory penalties for those violations not addressed by this Complaint. This reservation of right does not waive any other rights Complainant may have but has not stated herein.

COMPLAINT ISSUED THIS 23<sup>rd</sup> DAY OF August, 2013.



\_\_\_\_\_  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

**IN THE MATTER OF:**

Amco Polymers, LLC and/or  
Ravago Manufacturing America, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

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Respondents

Proceedings under Section 1423(c) of the Safe  
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**COMPLAINT,  
NOTICE OF VIOLATION,  
PROPOSED ADMINISTRATIVE ORDER  
WITH CIVIL PENALTY AND  
OPPORTUNITY TO REQUEST A HEARING**

**DOCKET NO. SDWA-02-2013-8902**

**CERTIFICATE OF SERVICE**

I certify that the foregoing "Complaint, Notice of Violation, Proposed Administrative Order and Opportunity to Request a Hearing," bearing the above-referenced docket number, was sent to the following persons, in the manner specified, on the date below:

**Original and one copy by hand to:**

Karen Maples  
Regional Hearing Clerk  
U.S. EPA, Region 2  
290 Broadway  
New York, NY 10007-1866

**Copy by Certified Mail Return Receipt Requested to:**

Joseph Kriz, Operations Manager  
Amco Polymers, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

Joseph Kriz, Operations Manager  
Ravago Manufacturing America, LLC  
595 Broadhollow Road  
Farmingdale, NY 11735

Jim Ashton, President  
Ravago Manufacturing Americas  
1900 Summit Tower Boulevard, Suite 900  
Orlando, Florida 32810

Date: 8/27/13

Signed:



Name and Title: Marie St. Germain  
New York, New York