



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2009

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Yogesh Patel
President
Pulsar, Inc.
9901 West Pacific Avenue
Franklin Park, Illinois 60131

Re: Complaint and Compliance Order
Pulsar, Inc. **RCRA-05-2009-0026**
EPA ID No.: ILD 984 843 987

Dear Mr. Patel:

I have enclosed a Complaint and Compliance Order (Complaint) under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a). The Complaint alleges violations of RCRA, 42 U.S.C. § 6901 *et seq.*, and the Illinois Administrative Code by Pulsar, Inc., (Pulsar).

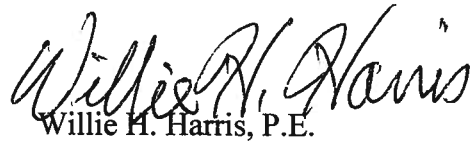
As provided in the Complaint, if Pulsar would like to request a hearing, Pulsar must do so in the Answer to the Complaint. Please note that if Pulsar does not file an Answer with the Regional Hearing Clerk (E-13J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, within 30 days of receipt of this Complaint, a default order may be issued and the proposed civil penalty will become due 30 days later.

Regardless of whether Pulsar chooses to file an Answer and request a hearing within 30 days of receiving the Complaint, EPA extends to Pulsar the opportunity to continue settlement discussions. A request for an informal settlement conference with EPA will not affect or extend the 30 day deadline to file an Answer.

In addition, whether or not Pulsar requests a hearing, Pulsar may request an informal settlement conference.

To request a conference, or if you have any questions about this matter, you may contact Jamie Paulin at (312) 886-1771.

Sincerely,

A handwritten signature in black ink that reads "Willie H. Harris". The signature is written in a cursive style with a large, prominent "W" and "H".

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency (w/enclosure)
Christopher T. Nowotarski, Stone, Pogrud & Korey LLC (w/enclosure)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-05-2009-0026
)	
Pulsar, Inc.)	Proceeding to Assess a Civil Penalty
Franklin Park, Illinois,)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
Respondent.)	42 U.S.C. § 6928(a).
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RECEIVED
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USEPA
REGION 5

Complaint and Compliance Order
Preliminary Statement

1. This is an administrative action instituted under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a).
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA; 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.
5. Respondent is Pulsar, Inc., a corporation doing business and incorporated in the State of Illinois.

Statutory and Regulatory Background

6. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and

dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, and 6924.

7. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

8. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

9. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both.

10. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred from March 15, 2004 through

January 12, 2009, and may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009.

General Allegations

11. Respondent is a "person" as defined by 35 IAC § 720.110 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

12. Respondent is an "owner" or "operator," as those terms are defined under IAC § 720.110 and 40 C.F.R. § 260.10, of a facility, located at 9901 West Pacific Avenue, Franklin Park, Illinois, that manufactures bare printed circuit boards ("Facility").

13. At all times relevant to this Complaint, the Facility consisted of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

14. Respondent's facility is a "facility," as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

15. At all times relevant to this Complaint, Respondent generated hazardous waste, including corrosive hazardous waste.

16. Respondent collected the corrosive hazardous waste in a sump pit and in a hazardous waste storage tank (new tank system), which were located in the hazardous waste storage area of the Facility.

17. A "new tank system" is defined as a tank system, under 35 IAC § 720.110 and 40 CFR § 260.10, that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986.

18. At all times relevant to this Complaint, Respondent held corrosive waste, a discarded material, for temporary periods in the new tank system before the material was shipped

from the Facility for treatment, storage, disposal, burning or incineration elsewhere.

19. Respondent characterized its corrosive waste as hazardous waste code D002.

20. Respondent stored, transported, disposed of, or otherwise handled its corrosive waste in its new tank system.

21. At all times relevant to this Complaint, Respondent's corrosive waste was a "solid waste" as that term is defined under 35 IAC § 721.102 and 40 C.F.R. § 261.2.

22. At all times relevant to this Complaint, Respondent's corrosive waste was a "hazardous waste" as that term is defined under 35 IAC § 721.103 and 40 C.F.R. § 261.3.

23. At all times relevant to this Complaint, Respondent's holding of corrosive waste in the new tank system constituted hazardous waste "storage," as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

24. Respondent is a "generator," as that term is defined under 35 IAC § 720.110 and 40 C.F.R. § 260.10.

25. Respondent generated and managed hazardous waste at the Facility on or before January 5, 1998.

26. On June 19, 2008, U.S. EPA conducted a Compliance Evaluation Inspection of the Facility.

27. On November 7, 2008, U.S. EPA issued a Notice of Violation to Respondent alleging certain violations of RCRA discovered during the inspection.

28. On December 7, 2008, Respondent submitted to U.S. EPA a written response to the Notice of Violation.

29. At all times relevant to this Complaint, the State of Illinois had not issued a permit to Respondent to treat, store, or dispose of hazardous waste at the Facility.

30. At all times relevant to this Complaint, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at the Facility.

31. On or about January 5, 1998, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the Facility.

32. In its Hazardous Waste Notification, Respondent identified itself as a generator.

Count 1: Storage of Hazardous Waste without a Permit or Interim Status.

33. Complainant incorporates paragraphs 1 through 32 of this Complaint as though set forth in this paragraph.

34. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

35. Pursuant to 35 IAC § 722.134(a) and 40 C.F.R. § 262.34(a), however, and subject to certain exceptions, a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status, provided that the generator complies with all applicable conditions set forth in 35 IAC § 722.134(a)(1)-722.134(a)(4) and 40 C.F.R. § 262.34(a)(1)-262.34(a)(4), including, but not limited to, requirements for owners and operators in Subparts C and D of 35 IAC Part 724 and 35 IAC § 724.116 and Subpart J of 35 IAC Part 724.

36. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 IAC Part 724 or 725 and the permit requirements of 35 IAC § 703.121, 35 IAC § 702.120, and 35 IAC § 702.123 unless he

has been granted an extension to the 90-day period. Storage for more than 90 days subjects the generator of hazardous waste to the requirement to either obtain a permit or attain interim status.

37. At all times relevant to this Complaint, Respondent had not been granted an extension to accumulate hazardous waste for more than 90 days.

38. At the time of the inspection, Respondent was storing hazardous waste in a new tank system over the 90-day limit without obtaining or applying for a permit, in violation of 35 IAC § 722.134(b) [40 C.F.R. § 262.34(b)].

39. Additionally, at all times relevant to this Complaint, Respondent failed to satisfy the following conditions for maintaining its exemption from the requirement that it have an operating permit or interim status:

40. **35 IAC § 722.134(a)(3) [40 C.F.R. 262.34(a)(3)]** In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must label or mark each container holding hazardous waste clearly with the words, "Hazardous Waste."

41. At the time of the inspection, Respondent had not labeled or marked a container of corrosive waste with the words, "Hazardous Waste."

42. **35 IAC § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)]** In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must clearly mark each container holding hazardous waste with the date upon accumulation.

43. At the time of the Inspection, Respondent was storing hazardous waste in a container without an accumulation date.

44. **35 IAC § 722.134(a)(4) [40 C.F.R. § 262.34(a)(4)]** In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 35 IAC § 725.116 [40 C.F.R. § 265.16].

45. 35 IAC § 725.116(a)(2) [40 C.F.R. § 265.16(a)(2)] requires that the program of classroom instruction or on-the-job training be directed by a person trained in hazardous waste management procedures, and include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

46. 35 IAC § 725.116(b) [40 C.F.R. § 265.16(b)] requires that facility personnel successfully complete the program required in paragraph (a) of 35 IAC § 725.116 [40 C.F.R. § 265.16] within six months after the effective date of the regulations or six months after the date of employment or assignment to a facility, or to a new position at a facility, whichever is later.

47. 35 IAC § 725.116(c) [40 C.F.R. § 265.16(c)] requires that facility personnel take part in an annual review of the initial training required in 35 IAC § 725.116(a) [40 C.F.R. § 265.16(a)].

48. In 2006, 2007 and 2008, Respondent did not ensure that all classroom instruction or on-the-job training received by Facility personnel satisfied the criteria of 35 IAC 725.116(a)(2) relevant to the positions in which Facility personnel were employed.

49. In 2006, 2007 and 2008, Respondent did not ensure that all Facility personnel filling a hazardous waste management position received initial training or annual review of the initial training.

50. **35 IAC § 722.134(a)(4) [40 C.F.R. § 262.34(a)(4)]** In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, a hazardous waste storage facility's contingency plan must be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

51. At the time of the Inspection, Respondent had failed to submit the storage facility's contingency plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

52. **35 IAC § 722.134(a)(1)(B) [40 C.F.R. § 262.34(a)(1)(ii)]** In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, a facility owner must have secondary containment that meets the requirements of subparts J, AA, BB, and CC of Part 265 for all new and existing tank systems or components, prior to their being put into service.

53. 35 IAC § 725.293(b)(1) [40 C.F.R. § 265.193(b)(1)] requires that secondary containment systems must be designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system.

54. 35 IAC § 725.293(b)(2) [40 C.F.R. § 265.193(b)(2)] requires that secondary containment systems must be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

55. 35 IAC § 725.293(f) [40 C.F.R. § 265.193(f)] requires that ancillary equipment must be provided with secondary containment that meets the requirements of this part.

56. 35 IAC § 725.294(b) [40 C.F.R. § 265.194(b)] requires that appropriate controls and practices should be used to prevent spills and overflows from tank or containment systems.

57. 35 IAC § 725.295(a) [40 C.F.R. § 265.195(a)] requires a schedule and procedure for inspecting overfill controls.

58. 35 IAC § 725.295(b) [40 C.F.R. § 265.195(b)] requires that data gathered from monitoring and leak detection equipment, to ensure that the tank system is being operated according to its design, must be inspected at least once each operating day.

59. 35 IAC § 725.295(b) [40 C.F.R. § 265.195(c)(1)] requires that the above ground portions of the tank system, if any, to detect corrosion or release of waste, must be inspected at least once per operating day.

60. 35 IAC § 725.295(b) [40 C.F.R. § 265.195(c)(2)] requires that the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system to detect erosion or signs of releases of hazardous waste, must be inspected at least once per operating day.

61. At the time of the inspection, Respondent failed to provide a secondary containment system to the new tank system, including the ancillary equipment, and failed to provide a leak detection system for the new tank system pursuant to 35 IAC §§ 725.293(a), (b) and (f) [40 C.F.R. §§ 265.193(a), (b) and (f)].

62. At the time of the inspection, Respondent failed to use appropriate controls and practices to prevent spills and overflows from the new tank system and containment systems pursuant to 35 IAC § 725.294(b) [40 C.F.R. § 265.194(b)].

63. At the time of the inspection, Respondent failed to have a schedule and procedure for inspecting overfill controls, failed to inspect data gathered from monitoring and leak

detection equipment once each operating day, failed to inspect the above ground portions of the tank system once each operating day and failed to inspect the construction materials and the area immediately surrounding the externally accessible portion of the tank once each operating day, pursuant to the relevant subsections of 35 IAC § 725.295 [40 C.F.R. § 265.195].

64. Accordingly, Respondent failed to satisfy all of the conditions for maintaining its exemption from the requirement that it have an operating permit or interim status.

65. As a result of Respondent's failure to meet all of the applicable conditions for the generator exemption provided by 35 IAC § 722.134(a), Respondent became an operator of a hazardous waste treatment, storage, and disposal facility (TSDF) subject to the requirements of 35 IAC Part 724 [40 C.F.R. Part 264].

66. At the time of the inspection, Respondent was storing hazardous waste without obtaining or applying for a permit.

67. Respondent's storage of hazardous waste without a permit or interim status violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 35 IAC § 703.121, 35 IAC § 702.120, and 35 IAC § 702.123 [40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13].

Civil Penalty

The Complainant proposes, subject to the receipt and evaluation of further relevant information from Respondent, that the Administrator assess a civil penalty of one hundred sixteen thousand three hundred sixteen dollars (\$116,316) for the violations alleged in this Complaint, as further explained in Attachment A, "Penalty Summary Sheet."

Complainant determined the proposed civil penalty according to RCRA Section 3008, 42 U.S.C. § 6928. In assessing a civil penalty, the Administrator of U.S. EPA must consider the

seriousness of the violation and any good faith efforts to comply with applicable requirements. *See* Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to U.S. EPA's 2003 RCRA Civil Penalty Policy. A copy of the penalty policy is available upon request. This policy provides a consistent method of applying the statutory penalty factors to this case.

Compliance Order

Based on the foregoing, Respondent is hereby ordered, pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and § 22.37(b) of the Consolidated Rules, to comply with the following requirements immediately upon the effective date of this Order:

1. Respondent shall not treat, store, or dispose of hazardous waste without a RCRA permit, except as provided for in the following paragraph of this Order.
2. Respondent shall achieve and maintain compliance with all requirements and prohibitions governing the storage of hazardous waste applicable to generators, codified at or incorporated by 35 IAC Part 722 [40 C.F.R. Part 262] by the effective date of this Order.
3. Respondent shall notify U.S. EPA in writing within fifteen (15) days of the effective date of this Order, either certifying compliance with the Order or explaining why it is not in compliance and proposing a date to achieve compliance.
4. Respondent shall submit all reports, submissions, and notifications required by this Order to the United States Environmental Protection Agency, Region 5, Land and Chemicals Division, RCRA Branch, Attention: Jamie Paulin (LR-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

Rules Governing this Proceeding

The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (the Consolidated Rules), 40 C.F.R. Part 22, govern this proceeding to assess a civil penalty. Enclosed with the Complaint served on Respondent is a copy of the Consolidated Rules.

Filing and Service of Documents

Respondent must file with the U.S. EPA Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized James Morris to receive any Answer and subsequent legal documents that Respondent serves in this proceeding.

You may telephone James Morris at (312) 886-6632. His address is:

James Morris (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

Answer and Opportunity to Request a Hearing

If Respondent contests any material fact upon which the Complaint is based or the appropriateness of any penalty amount, or contends that it is entitled to judgment as a matter of

law, Respondent may request a hearing before an Administrative Law Judge. To request a hearing, Respondent must file a written Answer within thirty (30) days of receiving this Complaint and must include in that written Answer a request for a hearing. Any hearing will be conducted in accordance with the Consolidated Rules.

In counting the 30-day period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day time period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

To file an Answer, Respondent must file the original written Answer and one copy with the Regional Hearing Clerk at the address specified above.

Respondent's written Answer must clearly and directly admit, deny, or explain each of the factual allegations in the Complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

Respondent's Answer must also state:

- a. the circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. the facts that Respondent disputes;
- c. the basis for opposing the proposed penalty; and
- d. whether Respondent requests a hearing.

If Respondent does not file a written Answer within 30 calendar days after receiving this Complaint, the Presiding Officer may issue a default order, after motion, under Section 22.17 of the Consolidated Rules. Default by Respondent constitutes an admission of all factual

allegations in the Complaint and a waiver of the right to contest the factual allegations. Respondent must pay any penalty assessed in a default order, without further proceedings, 30 days after the order becomes the final order of the Administrator of U.S. EPA under Section 22.27(c) of the Consolidated Rules.

Settlement Conference

Whether or not Respondent requests a hearing, Respondent may request an informal conference to discuss the facts alleged in the Complaint and to discuss settlement. To request an informal settlement conference, Respondent may contact Jamie Paulin at (312) 886-1771.


Respondent's request for an informal settlement conference will not extend the 30-day period for filing a written Answer to this Complaint. Respondent may simultaneously pursue both an informal settlement conference and the adjudicatory hearing process. Complainant encourages all parties against whom it proposes to assess a civil penalty to pursue settlement through an informal conference.

Complainant, however, will not reduce the penalty simply because the parties hold an informal settlement conference.

Continuing Obligation to Comply

Payment of a civil penalty will not affect Respondent's continuing obligation to comply with RCRA and any other applicable federal, state, or local law.

Sept. 30, 2009
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

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USEPA
REGION 5

CASE NAME: Pulsar, Inc.
DOCKET NO: RCRA-05-2009-0026

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this **Complaint and Compliance Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed to the following:

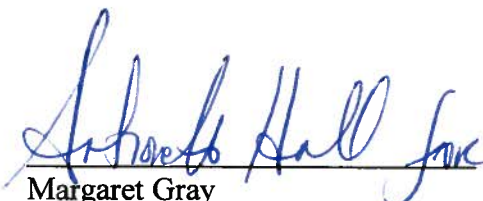
Mr. Yogesh Patel
Pulsar, Inc.
9901 West Pacific Avenue
Franklin Park, Illinois 60131

Certified Mail #

Mr. Christopher T. Nowotarski
Stone Pogrund & Korey LLC
1 East Wacker Drive
Suite 2610
Chicago, Illinois 60601

Certified Mail #

Dated: 9/30/2009, 2009



Margaret Gray
Administrative Program Assistant
United States Environmental Protection Agency

Region V
Land and Chemicals Division LR-8J
RCRA Branch
77 W. Jackson Blvd, Chicago, IL 60604-3590

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**REGIONAL HEARING CLERK
USEPA
REGION 5**

Attachment A
PENALTY SUMMARY SHEET
 Pulsar, Inc.
 ILD 984 843 987

NATURE OF VIOLATION	CITATION OF REGULATION OR LAW	HARM/ DEVIATION	GRAVITY-BASED PENALTY	MULTI-DAY PENALTY	ADJUSTMENTS	ECONOMIC BENEFIT	TOTAL PENALTY
Count 1 - Failure to apply for and obtain a hazardous waste storage permit by not complying with the following conditions for permit exemptions for a large quantity generator:	35 IAC §§ 703.121 and 702.123 [40 CFR §§ 270.1(c) and 270.13]	moderate / major	\$14,184	\$2,837 x 36 days = \$102,132	\$0	**\$4765	\$116,316
a. - Storing hazardous waste greater than 90 days (300 gallons stored 37 days greater than 90 days).	35 IAC § 722.134(b) [40 CFR § 262.34(b)]						
b. - Failure to label container of hazardous waste with an accumulation date and with the words, "Hazardous Waste."	35 IAC § 722.134(a)(2) and (a)(3) [40 CFR § 262.34(a)(2) and (a)(3)]						
c. - Failure to train facility personnel on an annual basis and within 6 months of the date of employment or assignment to position.	35 IAC § 722.134(a)(4); 35 IAC § 724.116(b) and (c) [40 CFR § 262.34(a)(4); 40 CFR § 264.16(b) and (c)]						
d. - Failure to meet all requirements of a contingency plan.	35 IAC § 722.134(a)(4); 35 IAC § 724.153(b) [40 CFR § 262.34(a)(4); 40 CFR § 264.53(b)]						
e. - Storing hazardous waste in a tank system without secondary containment and/or leak detection system.	35 IAC § 722.134(a)(1)(B); 35 IAC § 724.293(a), (b) and (f) [40 CFR § 262.34(a)(1)(ii); 40 CFR § 264.193(a), (b) and (f)]						
f. - Storing hazardous waste in a tank system without controls and practices in place to prevent spills.	35 IAC § 722.134(a)(1)(B); 35 IAC § 724.294(b) [40 CFR § 262.34(a)(1)(ii); 40 CFR § 264.194(b)]						
g. - Failure to inspect hazardous waste storage tank system once per operating day.	35 IAC § 722.134(a)(1)(B); 35 IAC § 724.295(a), (b) and (c) [40 CFR § 262.34(a)(1)(ii); 40 CFR § 264.195(a), (b) and (c)]						
Subtotals			\$14,184	\$102,132	\$0	**\$4765	\$116,316

**** Economic Benefit is not included in total penalty because it is insignificant.**

Note: The gravity-based penalty amount is determined using the Revised Penalty Matrices for the RCRA Civil Penalty Policy, dated January 11, 2005. The multi-day component of the gravity-based civil penalty is determined using the multi-day matrix outlined in the Revised Penalty Matrices for the RCRA Civil Penalty Policy, dated January 11, 2005. Policy adjustments and economic benefit (BEN) are as explained in the 2003 RCRA Civil Penalty Policy. Finally, the gravity-based penalty is adjusted for inflation (where appropriate) in order to implement the Civil Monetary Penalty Inflation Rule pursuant to the Debt Collection Improvement Act of 1996.