



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

September 8, 2015

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (ORA 18-1)
5 Post Office Square
Boston, Massachusetts 02140

RECEIVED

SEP 09 2015

EPA ORC
Office of Regional Hearing Clerk

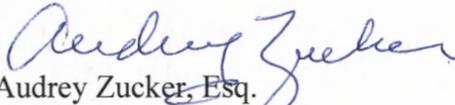
Re: Maine Health & Environmental Laboratory,
Docket No. RCRA-01-2015-0024

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the Amended Complaint, along with a Certificate of Service. Please note that the Respondent has not yet filed an Answer to the Complaint filed by EPA on March 23, 2015, and that this Amended Complaint is therefore filed as of right pursuant to 40 U.S.C. § 22.14(c).

Thank you for your assistance in this matter.

Very truly yours,


Audrey Zucker, Esq.

cc: Deanna White, Esq.

Enclosure

Docket No. RCRA-01-2015-0024

CERTIFICATE OF SERVICE

I hereby certify that on Sept. 3, 2015 the original and one copy of the Amended Complaint in the Matter of Maine Health & Environmental Testing Laboratory, Docket No. RCRA-01-2015-0024, were hand-delivered to the Regional Hearing Clerk and a copy was sent to Respondent's counsel, as set forth below:

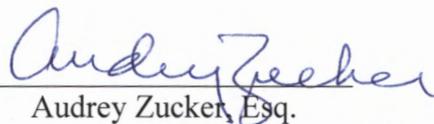
Original and one copy
by hand delivery to:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I (ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109

Copy to:

Deanna L. White
Office of the Attorney General
State House Station 6
Augusta, ME 04333

Dated: 9/8/2015



Audrey Zucker, Esq.
U.S. Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)
)
Maine Health & Environmental)
Testing Laboratory)
221 State Street)
Augusta, ME 04333)
Respondent)
)
EPA I.D. No. MER2832)
)
Proceeding under Section 3008(a))
Resource Conservation and Recovery)
Act, 42 U.S.C. § 6928(a))
_____)

Docket No. RCRA-01-2015-0024

RECEIVED

SEP 09 2015

EPA ORC
Office of Regional Hearing Clerk

**AMENDED COMPLAINT,
COMPLIANCE ORDER, AND
NOTICE OF OPPORTUNITY
FOR HEARING**

I. STATEMENT OF AUTHORITY

1. This Amended Complaint, Compliance Order, and Notice of Opportunity For Hearing (“Amended Complaint”) is filed pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments (hereafter, “RCRA”), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (“Part 22”). Complainant is the Legal Enforcement Manager, Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1 (“EPA” or “Region 1”).

2. Respondent, Maine Health & Environmental Testing Laboratory (“HETL”), is hereby notified of Complainant’s determination that Respondent has violated Sections 3002 and 3005 of RCRA, 42 U.S.C. §§ 6922 and 6925, Chapter 13 of Title 38 of the Maine Revised

Statutes (“M.R.S.A.”) and the regulations promulgated thereunder at Chapter 850 et seq. (the “Maine Rules”). Complainant also provides notice of Respondent’s opportunity to request a hearing concerning these allegations.

II. NATURE OF ACTION

3. This is an action under RCRA, 42 U.S.C. §§ 6901 et seq., seeking civil penalties and ordering compliance with RCRA pursuant to Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928 (a) and (g), for violations of the federal and state hazardous waste regulations promulgated pursuant to RCRA.

4. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928 (a)(2), notice of commencement of this action has been given to the State of Maine.

III. STATUTORY AND REGULATORY FRAMEWORK

5. RCRA, enacted in 1976, was amended by, among other amendments, the Hazardous and Solid Waste Amendments of 1984 (“HSWA”). Subchapter III of RCRA establishes a comprehensive federal regulatory program for the management of hazardous waste. See 42 U.S.C. §§ 6921-6939e. Pursuant to Subchapter III of RCRA, EPA has promulgated regulations for the management of hazardous waste, which are codified at 40 C.F.R. Parts 260-271.

6. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

7. The State of Maine received final authorization to implement its hazardous waste

management program on May 6, 1988, with an effective date of May 20, 1988. See 53 Fed. Reg. 16264 (May 6, 1988). The Maine regulations are codified at Chapters 850-860 of the Maine Rules.

8. Between November 1994 and August 1995, Maine submitted a draft program revision application for many of the rules promulgated by the EPA between July 1, 1984, and June 30, 1990, and adopted by Maine in March 1994. Maine submitted its final application for these revisions on February 28, 1997, and received final authorization for the revisions on June 24, 1997, with an effective date of August 25, 1997 (62 Fed. Reg. 34007, June 24, 1997). On September 27, 2004, Maine submitted a final complete program revision application, seeking authorization for changes to its hazardous waste program that would allow it to meet EPA requirements. EPA granted Maine final authorization for the revisions on January 10, 2005, effective immediately (69 Fed. Reg. 64861-64865, November 9, 2004).

9. Pursuant to Sections 3008(a) and 3006(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6926(g), EPA's Administrator may enforce the federally-approved Maine hazardous waste program by issuing orders requiring compliance immediately or within a specified time for violations of any requirement of Subtitle C of RCRA, Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e. Section 3006 of RCRA, 42 U.S.C. § 6926, as amended, provides, inter alia, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

10. Section 3008(a) of RCRA provides that upon finding that any person has violated

or is violating any requirement of Subchapter III of RCRA, including violations in an authorized state, EPA may issue an order requiring compliance immediately or within a specified time and assessing a civil penalty for any past or current violation. Sections 3008(a) and (g) of RCRA provide that any person who violates any order or requirement of Subchapter III of RCRA shall be liable to the United States for a civil penalty in an amount of up to \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq., as well as 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Subchapter III of RCRA is up to \$32,500 per day for each violation which occurred after March 15, 2004 and before January 13, 2009. Violations that occur on or after January 13, 2009 are subject to penalties up to \$37,500 per day per violation.

IV. GENERAL ALLEGATIONS

11. Respondent, an agency, department, or instrumentality of the State of Maine, owns and/or operates a health and environmental testing laboratory at 221 State Street, Augusta, ME. At this laboratory, Respondent performs analyses of human specimens, food, water, wastewater, and hazardous materials to support federal and state regulatory programs, health care providers, public health protection and the general public.

12. Respondent generates various hazardous wastes within its laboratory, including, but not limited to, wastes containing sulfuric acid, nitric acid, hydrochloric acid, phosphoric acid, mercury, acetone, methylene chloride and hexane. Respondent uses its Room B10 as a Hazardous Waste Storage Area ("HWSA"), where Respondent stores raw material as well as hazardous wastes. Respondent also stores hazardous wastes in a variety of Satellite Storage

Areas (“SAAs”), including in its Lab B-8D, Lab B-3 (Mass Spectroscopy Laboratory), Lab B-7 (Volatile Organics Laboratory), Lab B-9 (Instrumental Pesticide), Lab B-11 (Wet Chemistry Laboratory), Lab B-11B (Phosphorus Laboratory), Lab 118 (pH Laboratory), Lab 121 (Metals Analysis Laboratory), Lab 122 (Drinking Water Laboratory), Lab 102 (Drinking Water and Environmental Samples Metals Lab), Room 101 (Mass Spectroscopy Laboratory), Room 103, and Labs 157 and 168 (Virology and Mycology Laboratories). In addition, in Respondent’s Room 119, known as the Neutralization Area, Respondent neutralizes hazardous wastes and then disposes of the neutralized wastes into a sink drain. The wastes poured into the sink drain are then transported through the sewer to a nearby Publicly Owned Treatment Works (“POTW”) facility.

13. Respondent is a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

14. At all times relevant to this Amended Complaint, Respondent was an “owner” and/or “operator,” as defined in 40 C.F.R. § 260.10, of its laboratory in Augusta, ME.

15. Respondent generates wastes at its laboratory that are “hazardous wastes” as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5); 40 C.F.R. § 261.3; 38 M.R.S.A. § 1303-C(15); and Chapter 850, Section 3A(3) of the Maine Rules.

16. At all times relevant to this Amended Complaint, Respondent has been and is a “generator” of hazardous wastes, as that term is defined in 40 C.F.R. § 260.10 and Chapter 851, Section 3C of the Maine Rules.

17. On or about April 20, 2000, pursuant to Section 3010 of RCRA, Respondent

submitted a Notice of Hazardous Waste Activity to the State of Maine, identifying itself as a large quantity generator ("LQG") of hazardous waste.

18. As an owner and/or operator of a facility that is an LQG of hazardous waste, Respondent is subject to state standards applicable to LQGs found at Chapter 850, 851, 852 and 855 of the Maine Rules.

19. On August 7 – 8, 2013, authorized representatives of EPA Region 1 conducted a RCRA compliance evaluation inspection of Respondent's facility ("Inspection"), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

20. Based on the Inspection and review of documents provided by Respondent, Complainant has identified the following violations at Respondent's facility:

V. VIOLATIONS

Count 1 - Failure to Conduct Adequate Hazardous Waste Determinations

21. Complainant realleges and incorporates by reference Paragraphs 1 - 20.

22. Under Section 5 of Chapter 851 of the Maine Rules, a person who generates waste shall determine if that waste is hazardous by using the following method:

- A. First determine if the waste is excluded from regulation under Chapter 850 of the [Maine Rules].
- B. Then determine if the waste is listed as a hazardous waste in Chapter 850 of the [Maine Rules].
- C. If the waste is not listed as a hazardous waste in Chapter 850, the person shall determine whether the waste is identified by characteristic, as a hazardous waste in Chapter 850 by either:
 - (1) Testing the waste according to the methods set forth in Chapter 850, or according to an equivalent method approved under Chapter 850; or
 - (2) Applying knowledge of the hazard characteristic of the waste

in light of the materials or the processes used.

See also 40 C.F.R. §§ 262.11 and 268.7(a) (federal RCRA regulations requiring that generators perform hazardous waste determinations to ensure safe handling and disposal).

23. At the time of the Inspection, Respondent failed to conduct hazardous waste determinations for the wastes that it neutralized and disposed of into the sink drain in the Neutralization Area in Room 119. Respondent identified the chemicals contained in the testing solutions that it used in its laboratory (i.e., the analytical re-agents), as shown in the waste streams described below, but failed to perform hazardous waste determinations for the constituents contained in the test samples exclusive of the testing solutions that were added to the sample. At a minimum, Respondent neutralizes and disposes of the following waste streams, without conducting hazardous waste determinations:

(a) Waste generated in Lab 102 (Drinking Water and Environmental Samples Metals Lab). There were three waste streams in Lab 102. The first waste stream was in a five-gallon container labeled as a hazardous waste located at an Optima Inductively Coupled Plasma ("ICP") analyzer. This waste was labeled as containing trace metals and nitric acid. The second waste stream was in a five-gallon container labeled as a hazardous waste located at an ICP/Mass Spectrometry analyzer. This waste was labeled as containing nitric acid, hydrochloric acid and lead, D002, D008. The third waste stream was in a three-gallon container labeled as a hazardous waste located at the flow injection mercury system ("FIMS"). This waste was labeled as containing nitric acid and ferric nitrate.

(b) Waste generated in Lab 121 (Metals Analysis). Waste generated in Lab 121 was labeled as containing cadmium, ammonium hydroxide, ethylene diamine tetraacidic acid, hydrochloric acid, n-1-naptha-ethylene diamine, phosphoric acid and disodium salt, and also labeled D002, D006.

(c) Waste generated in Lab 122 (Drinking Water Lab). A chemist employed by Respondent told EPA inspectors that waste generated in Lab 122 contains nitric and hydrochloric acids. This waste is generated at the ICP/Mass Spectrometer.

(d) Waste generated in Lab B-3 (Mass Spectroscopy Lab). There was a waste stream at a purge and trap analyzer in Lab B-3. It was in a one-gallon bottle labeled "HW day can for acid aqueous waste" and "neutralize to pH 7 for disposal via sewer."

(e) Waste generated in Lab B-7 (Volatile Organics Lab). There were two waste streams in Lab B-7, according to HETL personnel and container labeling. The first waste stream was in a three-liter flask labeled as hazardous waste. The label stated "day can for acidic aqueous waste, neutralize to pH 7 for disposal via sewer." The second waste stream was in a five-gallon carboy with a hazardous waste label located at a purge and trap analyzer. The container was labeled as waste acid, corrosive and "neutralize."

(f) Waste generated in Lab B-11 (Wet Chemistry Lab). There was a waste stream in Lab B-11, according to Respondent's employee Darcy Degone, who works in this laboratory. This waste stream was in a four-liter container labeled as hazardous waste. Ms. Degone stated that this container collects a variety of chemicals including acids, alkalis, phenol and sodium hypochlorite.

(g) Waste generated in Lab B-11B (Phosphorus Lab). There was a waste stream in Lab B-11B according to Respondent's employee John Nims, a chemist who works in this laboratory. This waste stream was in a one-gallon container, labeled as hazardous waste, and containing sodium hydroxide, ascorbic acid, sulfuric acid, sodium dodecyl sulfate, ammonium molybdate tetrahydrate, potassium antimonyl tartrate hemihydrate, ammonium persulfate and ethylenediaminetetraacetic acid. The inspection team used a pH test strip to determine that the contents of this waste container had a pH of approximately one.

(h) Wastes generated by inorganic ammonia analysis. According to the HETL Waste Stream Identification Form, the waste stream profile sheet for this waste stream states: "Per local ordinance, waste stream must be collected as hazardous waste." This stream contains a variety of chemicals including acids, alkalis, phenol, sodium nitroprusside, and sodium hypochlorite.

(i) Wastes generated by fluoride analysis at the inorganics autoanalyzer I. According to the HETL Waste Identification Form, this waste stream contains glacial acetic acid, sodium hydroxide, fluoride, and trans 1,2,diaminocyclohexane-n,n,n,n tetraacidic acid.

(j) Wastes generated by color analysis at the inorganics autoanalyzer I. According to the HETL Waste Identification Form, this waste stream contains sodium hydrogen phosphate and potassium hydrogen phosphate.

(k) Four organic waste streams from Gas Chromatography ("GC") and Mass

Spectrometry (“MS”) analyzers. According to the HETL Waste Stream Identification Form, these waste streams, including streams 5970MS, 5890GC, 5971GC/MS, and 5973GC/MS, contain aromatic and halogenated volatile solvents.

(I) Wastes generated by inorganic sulfate analysis at the inorganics autoanalyzer
II. According to the HETL Waste Steam Identification Form, this waste stream contains barium chloride dehydrate, ethanol and methylthymol blue.

24. By failing to determine if a solid waste is a hazardous waste, Respondent violated Chapter 851, Section 5 of the Maine Rules.

**Count 2 – Treatment of Hazardous Waste in an On-Site
Neutralization Unit Without a License**

25. Complainant realleges and incorporates by reference Paragraphs 1 - 24.

26. Pursuant to Section 5.A. of Chapter 856 of the Maine Rules (Section 5.A.), any person who proposes to own or operate a waste facility for hazardous waste must apply for and obtain a license.

27. There is an exemption to the license requirement set forth in Section 6.I. of Chapter 856 of the Maine Rules (Section 6.I.) for an owner or operator of an elementary neutralization unit, as defined in the Maine Rules, provided:

- (1) The unit is subject to a pretreatment agreement with the operator of a publicly owned treatment works;
- (2) All components, such as pipes, that convey the corrosive hazardous waste are compatible with the management of corrosive hazardous waste, and the location of

such components is identified in a spill and cleanup plan submitted to Maine DEP.

(3) Inspections are performed at the frequency identified in the spill and cleanup plan and repaired as necessary to maintain structural integrity.

(4) Inspection records, including the date and time of inspection, the name of the inspector and the date and nature of any significant repairs or corrective actions are retained; and

(5) The owner or operator complies with 40 C.F.R. 265.17(b) which, in general, requires that the treatment of corrosive hazardous wastes be conducted so that it does not cause violent reaction, damage the structural integrity of the unit or otherwise threaten human health and the environment.

28. Section 3.C. of Chapter 856 of the Maine Rules defines, in relevant part, the term “elementary neutralization unit” as a device which is used on site for neutralizing wastes that are hazardous solely due to corrosivity and not due to other hazardous waste characteristics, such as toxicity (including metals), ignitability, or reactivity. Thus, the license exemption in Section 6.I. does not apply if a laboratory neutralizes hazardous waste which is hazardous for reasons other than the characteristic of corrosivity, or fails to satisfy any of the other requirements set out in the exemption.

29. Under Section 5 of Chapter 851 of the Maine Rules, a person who generates waste shall determine if that waste is hazardous by using the following method:

A. First determine if the waste is excluded from regulation under Chapter 850 of the [Maine Rules].

B. Then determine if the waste is listed as a hazardous waste in Chapter

850 of the [Maine Rules].

C. If the waste is not listed as a hazardous waste in Chapter 850, the person shall determine whether the waste is identified by characteristic, as a hazardous waste in Chapter 850 by either:

- (1) Testing the waste according to the methods set forth in Chapter 850, or according to an equivalent method approved under Chapter 850; or
- (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

See also 40 C.F.R. §§ 262.11 and 268.7(a) (federal RCRA regulations requiring that generators perform hazardous waste determinations to ensure safe handling and disposal).

30. During the Inspection, EPA inspectors observed Respondent's activities in Room 119 of the laboratory, known as the Neutralization Area. EPA inspectors also spoke with Respondent's employee John Nims about the neutralization process used in Room 119, and reviewed documents provided by Respondent.

31. During the Inspection, Respondent also provided EPA inspectors with waste stream identification documents which stated that the facility manages approximately 8,190 liters of hazardous waste through neutralization on an annual basis.

32. Based on EPA's observations, conversations, and review of documents, EPA determined that the neutralization process performed by Respondent is as follows. Respondent sends the wastes, as identified in Paragraph 23(a)-(1) above, from various locations at its facility to its Room 119 for neutralization. After these wastes are brought to Room 119, Respondent's employees pour the wastes into an open plastic bucket located under a fume-hood. The open plastic bucket has the capacity to hold several gallons of liquids. After the waste is placed into the plastic bucket, Respondent's employees determine whether the waste is characteristic for

corrosivity by performing a pH test and using an indicator solution to measure the acidity or alkalinity of the substance. Respondent's employees then add, alternately, caustic and acidic solutions into the batch until neutralization is determined to be successful through a final pH test result. Once neutralized, Respondent's employees pour the neutralized waste into the sink drain located beneath the fume-hood. These wastes then travel from the sink drain through the sewer to a POTW.

33. At the time of the Inspection, no evidence was provided by Respondent to establish that any waste determinations are or had been performed with respect to the wastes that were neutralized, other than the pH testing.

34. At the time of the Inspection, Respondent neutralized all of the waste streams described in Paragraph 23(a) – (l). Based on labels or other information provided by Respondent, some of the waste streams described in Paragraph 23(a) – (l) contained wastes that were hazardous due to characteristics in addition to the characteristic of corrosivity, such as toxicity (including metals), ignitability, or reactivity. As described in Paragraph 23 (a), (b), (k) and (l), certain waste streams contained lead, cadmium, aromatic and halogenated volatile solvents and barium chloride dehydrate.

35. At and/or following the Inspection, Respondent provided EPA with a copy of its pretreatment agreement with the POTW, dated January 13, 2004, and a "Spill Prevention, Control, and Clean-up Plan," dated December 29, 2003 ("Spill and Clean-up Plan") and evidence that Respondent had submitted the Spill and Clean-up Plan to Maine Department of Environmental Protection. The Spill and Cleanup Plan requires quarterly and daily inspections

of the elementary neutralization unit. Respondent provided no documentation that it had performed any inspections of its elementary neutralization unit.

36. At the time of the Inspection, Respondent provided EPA with a copy of its HETL Waste Stream Identification Forms. With respect to inorganic metals waste, one of HETL Waste Stream Identification Forms states that HETL employees should “[t]est waste for metals content before neutralization and disposal.” This form also states that HETL generates 2,500 liters of inorganic metals waste per year.

37. Based on Respondent’s treatment of wastes that were hazardous due to characteristics in addition to the characteristic of corrosivity, its failure to conduct adequate hazardous waste determinations, its failure to perform daily and quarterly inspections of the elementary neutralization unit as required by the Spill and Clean-up Plan, and its failure to retain records of such inspections, Respondent does not qualify for the license exemption in Section 6.I., and has violated Section 5.A. by owning or operating a waste facility for hazardous waste without a license.

**Count 3 - Failure to Provide Waste Training to
Employees Managing Hazardous Waste**

38. Complainant realleges and incorporates by reference Paragraphs 1 – 37.

39. Pursuant to Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16, facility personnel with hazardous waste management responsibilities must successfully complete a training program that teaches them to perform their duties in a way that ensures the facility’s compliance with hazardous waste management

regulatory requirements. In relevant part, 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 RCRA requirements. The training program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems. Facility personnel must successfully complete the training program within six months after their employment to a facility, or to a new position at a facility, whichever is later. Facility personnel must take part in an annual review of the initial training. The facility owner/operator must maintain records that document that training has been given to, and completed by, relevant facility personnel.

40. At the time of the Inspection, the following employees of Respondent who were managing hazardous waste had not received adequate training:

(a) Kenneth Pote, the HETL Director and Emergency Coordinator, stated to EPA inspectors that he had not had any RCRA training.

(b) Rick Danforth, the facility's RCRA contact and Environmental, Health and Safety Manager, stated to EPA inspectors that he had not had any RCRA training.

(c) Michael Bourdon, the HETL Chemist and Alternate Emergency Coordinator, stated to EPA inspectors that he had received annual RCRA training since 2008, except

in the year 2011.

41. Although Respondent provided documentation that certain RCRA training had been provided to certain of its employees, it did not have documentation to establish that RCRA training had been given to, and completed by, all employees at the facility relevant to their positions at the facility.

42. Respondent also failed to provide any RCRA training to its employees that neutralized hazardous waste, or failed to maintain records that such training had been provided.

43. By failing to ensure that all employees with hazardous waste management responsibilities were adequately trained in hazardous waste management, Respondent violated Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16.

Count 4 - Failure to maintain a complete personnel training plan

44. Complainant realleges and incorporates by reference Paragraphs 1 - 43.

45. Pursuant to Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16(d), a facility must have a personnel training plan which contains certain elements, including a written description of the introductory and annual update training given to each person having hazardous waste management duties, and a complete description of the hazardous waste management responsibilities for each position.

46. At the time of the Inspection, Respondent's personnel training plan was deficient in the following areas: (a) the plan did not include a written description of the introductory and annual update training to be given to each employee position having hazardous waste

management duties, and; (b) the plan did not include a complete description of the hazardous waste management duties for each position

47. By failing to maintain an adequate facility personnel training plan, Respondent violated Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16(d).

Count 5 - Failure to maintain a complete hazardous waste contingency plan

48. Complainant realleges and incorporates by reference Paragraphs 1 - 47.

49. Pursuant to Chapter 851, Section 8B(5) of the Maine Rules, each owner or operator of a hazardous waste facility must have a contingency plan for the facility meeting the requirements of 40 C.F.R. § 264.52. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. The plan must also describe actions facility personnel must take in response to emergency situations. Specifically, the plan must describe arrangements agreed to by local emergency responders and hospitals to coordinate emergency services. In addition, the plan must: list the names, addresses, and phone numbers of all persons qualified to act as an emergency coordinator for the facility; include a list of all emergency equipment at the facility including the location, description and capabilities of the equipment; and the information in the plan must be kept up-to-date.

50. At the time of the Inspection, Respondent failed to have a Hazardous Waste Contingency Plan. The facility did have a Safety Manual that included: a BioSafety Plan, a

Chemical Hygiene Plan, an Emergency Action Plan, and a Radiation Safety Plan. These plans were written in 2012. The facility also had a “Spill Control, and Clean-up Plan” that was written in 2003.

51. The plans described in Paragraph 48 were deficient in the following areas:

(a) The plans did not list the current names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinators. The Spill Control, and Clean-up Plan, written in 2003, merely lists Kenneth Pote as the Primary Emergency Coordinator and James Curlett as the Alternate Emergency Coordinator, without providing addresses and phone numbers (office and home). The Emergency Action Plan refers to the HETL Director as the Emergency Coordinator, without any specific name, address or phone number (office and home). The Chemical Hygiene Plan (CHP) does not include an Emergency Coordinator.

(b) The plans fail to include a description or list of emergency equipment available for use in the event of an emergency (but do include evacuation routes and show the locations of spill kits and emergency equipment).

(c) The plans do not include protocols or the hierarchy for making decisions on evaluation, seeking emergency assistance, or notifying personnel of an emergency; and

(d) The plans do not include evidence that arrangements have been made for coordination with local authorities in the event of an emergency.

52. Respondent’s failure to have a contingency plan for the facility meeting the requirements of 40 C.F.R. § 264.52 constitutes a violation of Chapter 851, Section 8B(5) of the

Maine Rules.

Count 6 - Failure to conduct and/or document daily inspections at SAAs and failure to conduct adequate inspections at the HWSA

53. Complainant realleges and incorporates by reference Paragraphs 1 - 52.

54. Pursuant to Chapter 851, Section 13D of the Maine Rules, a generator must conduct daily inspections during regular business days of all containers of hazardous waste, including containers at SAAs, and record the conclusions or results in a log book kept at the facility. The purpose of the inspections is to ensure that, among other things, all hazardous waste containers are stored in a manner that allows access for inspection and for remedial action if any container is found to be rusting, bulging or leaking or waste is spilled or discharged; that incompatible wastes are segregated; and that hazardous wastes have not accumulated on-site beyond the time limit of ninety days or less. The log book documenting the inspections must contain the name of the person conducting the inspection, the date and time of the inspection, and the conclusions or results of each inspection.

55. At the time of the Inspection, Respondent stored containers of hazardous waste in the SAAs and the HWSA, among other areas of the HETL. EPA inspectors reviewed the inspection logs for the SAA and the HWSA, among other areas of the HETL.

56. At the time of the Inspection, EPA found that several inspection log entries for the SAAs were missing, as follows:

(a) In Lab 118 (pH Laboratory), there were no log entries for the following dates:

July 9-10, 2013
May 1-2, 2013

April 1, 2013
March 2 and 21, 2013
January 2 and 15, 2013
December 21, 2012
November 1, 5 and 6, 2012
October 5, 8, 11, 12, 23, 24 and 25, 2012
September 3, 21, 24 and 26, 2012

(b) In Lab 121 (Metals Analysis Laboratory), there was no log entry for the period from February 28, 2013 to the date of the Inspection, August 7-8, 2013.

57. In the HWSA, Respondent relied on an inspection checklist for a SAA, instead of a HWSA, in performing its inspections. As a result, Respondent's inspections of the HWSA did not check for the dating of containers, adequacy of aisle space, and the use of secondary containment. At the time of the EPA Inspection, EPA inspectors observed twenty-four containers stored in the HWSA located in Room B10 that were covered in dirt and dust, which did not allow for adequate inspection by Respondent of these containers. Respondent's employee Jim Curlett explained to EPA inspectors that the open louvers from the explosion proof panels in the HWSA allowed dirt and moisture into the HWSA.

58. Respondent's failure to conduct daily inspections of hazardous waste containers in the SAAs, perform adequate inspections in the HWSA, and/or properly record the conclusions or results of daily inspections in a log book kept at the facility, constitute violations of Chapter 851, Section 13D of the Maine Rules.

Count 7 - Failure to separate incompatible hazardous wastes

59. Complainant realleges and incorporates by reference Paragraphs 1 - 58.

60. Pursuant to Chapter 851, Section 13C(6) of the Maine Rules, containers holding incompatible hazardous wastes must not be stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstance, including simultaneous leakage or failure of a container(s).

61. At the time of the Inspection, and within the HWSA, Respondent was storing containers with labels indicating that they contained acids, flammables, oxidizers and toxics. None of the containers in the HWSA had secondary containment, and the containers were not segregated in a manner that prevented the wastes from coming into contact with one another. Within the HWSA, at the far end of the room, Respondent stores various types of containers. In order to distinguish the containers, EPA assigned numbers to each of the containers and developed a handwritten map depicting the containers, with assigned numbers, for purposes of note taking and identification. The following containers in the HWSA, as numbered by EPA for purposes of note taking and identification, held potentially incompatible wastes:

(a) Container #1: This 30-gallon polyethylene drum had a hazardous waste label, and was marked "chloride waste with Hg and TKN," nitric and methanol, D002, D009 and F003.

(b) Container #2: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as cadmium, hydrochloric and phosphoric acids, D002 and D006.

(c) Container #3: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as acetonitrile and phosphoric acid waste, D001 and D002.

(d) Container #5: This one-gallon glass bottle had a hazardous waste label, and

was marked as sodium arsenite, D004.

(e) Container #6: This half-gallon metal can had no hazardous waste label on it. There was a label with a caution statement on the side of the container concerning ethers and peroxides.

(f) Container #7: This three-gallon fire safety can had a hazardous waste label, and was marked as methylene chloride.

(g) Container #8: This small 10-inch square box had no hazardous waste label on it. The words "Freon TF solvent and IPA" and "No pressure" were written on the box, which contained aerosol cans. By picking up several of the aerosol cans, an EPA inspector determined by their approximate weight that at least several of the aerosol cans held in the box were likely full or largely full of liquid.

(h) Container #10: This approximately one and one-half-gallon fire safety can had a hazardous waste label, and was marked as "mixed flammables."

(i) Container #12: This two-gallon fire safety can had a hazardous waste label, and was marked as methylene chloride with mixed solvents, acetone, D001, F001 and F003.

(j) Container #14: This five-gallon polyethylene container had a hazardous waste label, and was marked as methylene chloride, F002.

(k) Container #15: This five-gallon polyethylene container had a hazardous waste label, and was marked as scintillation vials - toluene, D001.

(l) Container #16: This approximately nine-gallon polyethylene carboy container

had a hazardous waste label, and was marked as mixed flammables acetonitrile and hexane, D001 and F003.

(m) Container #17: This five-gallon polyethylene container had a hazardous waste label, and was marked as scintillation vials - toluene, D001.

(n) Container #23: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as methylene chloride.

(o) Container #24: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as "mixed flammables," D001 and F003.

62. The nitric acid in Container #1, hydrochloric acid in Container #2, and sodium arsenite in Container #5 are incompatible with the contents of most of the other containers in the HWSA described in Paragraph 59. If incompatible wastes were released and mixed together, the reaction could include the generation of heat, fire toxic gases and other violent chemical reactions. Given the large numbers of containers of product and hazardous waste stored in the HWSA, the potential for a significant fire resulting from the potential mixture of incompatible wastes was heightened.

63. Respondent's failure to properly segregate incompatible hazardous wastes by storing them in the same room and failing to segregate them in a manner that prevents the wastes from coming into contact with one another under any circumstance, including simultaneous leakage or failure of a container(s), constitutes a violation of Chapter 851, Section 13C(6) of the Maine Rules.

Count 8 – Failure to Have Adequate Aisle Space in the HWSA

64. Complainant realleges and incorporates by reference Paragraphs 1 - 63.

65. Pursuant to Chapter 851, Section 13C(7) of the Maine Rules, all hazardous waste containers must be stored in a manner that allows access for inspection and for remedial action if any container is found to be rusting, bulging or leaking or waste is spilled or discharged. In any event, aisle space between rows of containers must be sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in any emergency but in no event shall the aisle space be less than thirty six (36) inches wide.

66. At the time of the Inspection, Respondent stored at least twenty-four containers closely together in the HWSA in Room B10. The labels on these containers indicated that they contained acids, flammables, oxidizers and toxics. To the extent that there was any aisle space or storage in rows, the aisle space between rows of these containers was less than approximately six (6) inches wide, and considerably less than thirty six (36) inches wide.

67. Respondent's failure to store hazardous waste containers with aisle space between rows of containers sufficient to allow the unobstructed movement of personnel and equipment in any emergency, and in no event less than thirty six (36) inches wide, violated Chapter 851, Section 13C(7) of the Maine Rules.

Count 9 – Failure to Keep Containers of Hazardous Wastes Closed

68. Complainant realleges and incorporates by reference Paragraphs 1 - 67.

69. Pursuant to Chapter 851, Section 8B(2), a generator may accumulate hazardous

waste on the site of its generation for ninety (90) days or less without a license, provided that, among other things, the waste is placed in containers which meet the requirements of Chapter 855, Section 9(C) of the Maine Rules, with certain exceptions not relevant here.

70. Pursuant to Chapter 855, Section 9(C) of the Maine Rules, container storage facilities must be in compliance with 40 C.F.R. §§ 265.171-265.177 (federal RCRA requirements which are incorporated into the Maine Rules), with certain exceptions not relevant here. Pursuant to 40 C.F.R. § 265.173, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

71. At the time of the Inspection, the following containers of hazardous wastes were open, even though no one was filling or emptying these containers:

(a) In the HWSA in Room B10, and as numbered by EPA as described in Paragraph 59:

i. Container #3: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as acetonitrile and phosphoric acid waste, D001 and D002. Both bungs on this drum were open, even though no one was filling or emptying it.

ii. Container #24: This 30-gallon polyethylene drum had a hazardous waste label, and was marked as “mixed flammables,” D001 and F003. Both bungs on this drum were open, even though no one was filling it or emptying it.

(b) In Lab B-11 (Wet Chemistry Laboratory):

i. There was an approximately three-gallon polyethylene container

which, according to Respondent's employee James Curlett, contained waste acetonitrile and water. It was approximately one-tenth full of liquid. This container was open, even though no one was filling it or emptying it.

ii. There was an approximately three-gallon polyethylene container, with the words "HPLC Waste" written on handwritten tape on the container. It was approximately two-thirds full of liquid. This container was open, even though no one was filling it or emptying it.

(c) In Lab B-3 (Mass Spectroscopy Laboratory): There was an approximately two and one-half gallon plastic jug that was open, due to large opening in the cover, even though no one was filling it or emptying it.

(d) In Lab B-7 (Volatile Organics Laboratory):

i. There was a one-gallon bottle with a hazardous waste label, with markings stating that the container held nitric acid, ferric nitrate and mercury. The bottle was approximately one-half full of liquid. The cap to the bottle was unscrewed and was left loose and partially off, even though no one was filling it or emptying it.

ii. There was a five-gallon carboy waste container with a hazardous waste label, and marked as containing "chloride waste with Hg and TKN." The container was approximately three-quarters full of liquid. The cap to the container was unscrewed and was left loose and partially off, even though no one was filling it or emptying it.

(e) In Room 119 (the Neutralization Area): There was approximately one-half liter of liquid waste in a bucket used for neutralization of wastes in Room 119.

Respondent's employee John Nims told EPA inspectors that the waste in the bucket was pink in color due to the presence of indicator solution that had been added to the waste. The pink color indicated that the waste was acidic. The EPA inspection team used a pH test strip to determine that the contents of the waste in the bucket had a pH of approximately zero, signifying that the waste was acidic. The bucket was open, even though at the time of the inspection no one was emptying the bucket or filling it.

(f) In Lab B-9 (Instrumental Pesticide Laboratory): There was a high pressure liquid chromatography ("HPLC") unit present in Lab B-9. According to Jim Curlett, the unit had not been in use for approximately two months. Mr. Curlett stated that the waste consisted of acetonitrile and water. There was an open approximately three-gallon polyethylene satellite container located at this unit. The container was not labeled. It was approximately one-tenth full. There was a post-column fluorescence HPLC present in this room. There was an open approximately three-gallon polyethylene satellite container located at this unit. The container was not labeled. Handwritten, on tape on the top of the container, was "HPLC Waste." It was approximately two-thirds full.

72. Respondent's failure to ensure that containers holding hazardous waste were closed during storage, except when necessary to add or remove waste, violated Chapter 851, Section 8B(2) and Chapter 855, Section 9(C), incorporating 40 C.F.R. § 265.173.

Count 10 – Failure to label containers with the words “hazardous waste”

73. Complainant realleges and incorporates by reference Paragraphs 1 - 72.

74. Pursuant to Chapter 851, Section 8(B)(3), a generator may accumulate hazardous waste on the site of its generation for ninety (90) days or less without a license, provided among other things that each on-site container is labeled or marked clearly with the words, "Hazardous Waste."

75. At the time of the Inspection, Respondent stored the following containers of hazardous wastes that were not labeled or marked clearly with the words, "Hazardous Waste":

(a) In the HWSA in Room B10, and as numbered by EPA as described in Paragraph 59:

i. Container #4: This four liter glass bottle was marked with the handwritten words "Glycol, H2O, Oil." It was not marked with the words "Hazardous Waste."

ii. Container #6: This half-gallon metal can was marked with a caution statement on the side of the can concerning ethers and peroxides. It was not marked with the words "Hazardous Waste."

iii. Container #8: This small 10-inch square box was marked with the handwritten words "Freon TF solvent and IPA." It was not marked with the words "Hazardous Waste."

iv. Container #9: This approximately one-quart fire safety can had a label on the side that stated "harmful vapor – contents may explode." The can was not marked with the words "Hazardous Waste."

v. Container #11: This approximately one and one-half gallon fire safety can was not marked with the words "Hazardous Waste." The contents of this can could not be determined by EPA inspectors.

vi. Container #13: This approximately two-gallon fire safety can was not marked with the words "Hazardous Waste." The contents of this can could not be determined by EPA inspectors.

vii. Container #20: This approximately one-gallon fire safety can was not marked with the words "Hazardous Waste." The contents of this can could not be determined by EPA inspectors.

(b) In Lab B-9:

i. There was a high pressure liquid chromatography ("HPLC") unit present in this room. According to Respondent's employee, Jim Curlett, the unit had not been in use for approximately two months. Mr. Curlett stated that the waste consisted of acetonitrile and water. There was an open approximately three-gallon polyethylene satellite container located at this unit. The container was not labeled. It was approximately one-tenth full.

ii. There was a post-column fluorescence HPLC present in this room. There was an open approximately 3-gallon poly satellite container located at this unit. The container was not labeled. Handwritten on tape on the top of the container was "HPLC Waste." It was approximately two-thirds full.

(c) In Lab B-8D:

i. There was a three-gallon safety can that Respondent's employee, James Curlett, stated contained waste acetone. The can was not marked with the words "Hazardous Waste."

ii. There was a one-gallon bottle marked as containing "DPA Diluent Waste." The bottle was not marked with the words "Hazardous Waste."

iii. There was a one-gallon bottle marked as containing "DPA Diluent with thiofluor Waste." The bottle was not marked with the words "Hazardous Waste."

(d) In Lab B-3 (Mass Spectroscopy Laboratory), there was an approximately two and one-half gallon plastic jug labeled as "day can for HPLC/MS/MS effluent," which is likely a solvent. The jug was not marked with the words "Hazardous Waste."

(e) In Lab B-11 (Wet Chemistry Laboratory), there was a four-liter container that had an old label that was illegible. Respondent's employee Darcy Degone told EPA inspectors that the container held a variety of chemicals including acids, alkalis, phenol and sodium hypochlorite. The container was not clearly marked with the words "Hazardous Waste."

(f) In Room 103 of the Forensics Area, the following wastes were to be lab-packed and, according the labels on the containers, contained potassium permanganate, ferric chloride crystals, trimethyl ammonium chloride, citric acid anhydrous powder, strontium nitrate/hydrochloric acid, vitrium/nitric acid, barium nitrate crystals and oxalic acid. These containers were not clearly marked with the words "Hazardous Waste."

76. Respondent's failure to label or clearly mark containers of hazardous waste with the words, "Hazardous Waste," constitutes a violation of Chapter 851, Section 8(B)(3) of the Maine Rules.

Count 11 – Failure to date containers of hazardous waste

77. Complainant realleges and incorporates by reference Paragraphs 1 - 76.

78. Pursuant to Chapter 851, Section 8(B)(3), a generator may accumulate hazardous waste on the site of its generation for ninety (90) days or less without a license, provided that among other things the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

79. At the time of the Inspection, Respondent stored the following containers of hazardous wastes in the HWSA in Room B10, as numbered by EPA as explained in Paragraph 59, and Room 103 which were not clearly marked with the date upon which the period of accumulation began:

(a) Container #3: This 30-gallon polyethylene drum had a hazardous waste label but was not dated.

(b) Container #7: This three-gallon fire safety can had a hazardous waste label but was not dated.

(c) Container #8: This small 10-inch square box was labeled with the words "Freon TF solvent and IPA." The label was not dated.

(d) Container #9: This approximately one-quart fire safety can was labeled with the words “harmful vapor – contents may explode.” The label was not dated.

(e) Container #10: This one and one-half gallon fire safety can had a hazardous waste label but was not dated.

(f) Container #11: This approximately one and one-half gallon fire safety can had no label and was not dated.

(g) Container #12: This two-gallon fire safety can had a hazardous waste label but was not dated.

(h) Container #13: This approximately two-gallon fire safety can had no label and was not dated.

(i) Container #20: This approximately one-gallon fire safety can had no label and was not dated.

(j) In Room 103 of the Forensics Area, the following wastes were to be lab-packed and, according the labels on the containers, contained potassium permanganate, ferric chloride crystals, trimethyl ammonium chloride, citric acid anhydrous powder, strontium nitrate/hydrochloric acid, vitrium/nitric acid, barium nitrate crystals and oxalic acid. These containers were not dated.

80. Respondent’s failure to clearly mark containers of hazardous waste at the facility with the date upon which the period of accumulation began violated Chapter 851, Section

8(B)(3) of the Maine Rules.

VI. PROPOSED PENALTY

81. In determining the amount of any penalty to be assessed, Section 3008(a) of RCRA requires EPA to take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. To assess a penalty for the alleged violations in this Amended Complaint, Complainant has taken into account the particular facts and circumstances of this case with specific reference to EPA's "RCRA Civil Penalty Policy," dated June 2003 ("Penalty Policy"). A copy of the Penalty Policy is enclosed with this Amended Complaint. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors identified above to a particular case.

82. By this Amended Complaint, Complainant seeks to assess Respondent a total civil penalty of \$ 193,361. The calculation of the proposed penalty is explained in detail in Attachment 1 to this Amended Complaint, and is summarized as follows:

1. Failure to Conduct Adequate Waste Determinations	\$ 38,684
2. Treatment Without a License	\$ 46,191
3. Failure to Adequately Train Employees	\$ 11,101
4. Failure to Maintain Training Program	\$ 9,210
5. Failure to Maintain an Adequate Contingency Plan	\$ 9,210
6. Failure to Conduct Adequate Inspections	\$ 9,210
7. Failure to Segregate Incompatibles	\$ 32,915
8. Failure to Have Adequate Aisle Space	\$ 9,210
9. Failure to Keep Containers Closed	\$ 9,210
10. Failure to Label Containers of Hazardous Waste	\$ 9,210
11. Failure to Date Containers of Hazardous Waste	\$ 9,210
<hr/>	
Total Proposed Penalty	\$ 193,361

83. Quick Resolution. Under Section 22.18(a) of EPA's Consolidated Rules of

In the Matter of: Maine Health & Environmental Testing Laboratory
Docket No. RCRA-01-2015-0024

Practice, Respondent has the option of resolving this matter at any time by paying in full the penalty proposed in this Amended Complaint. Payment of the penalty may be made by a bank, cashier's or certified check, payable to "The Treasurer, United States of America." The check should also note the docket number of this Amended Complaint ("RCRA-01-2015-0024") and should be forwarded to:

U.S. EPA - Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

In addition, at the time of payment, notice of payment of the civil penalty and a copy of the check should also be forwarded to:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street, Suite 1100 (ORA 18-1)
Boston, Massachusetts 02114-2023

and to:

Audrey Zucker
Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (OES 04-2)
Boston, Massachusetts 02109-3912

VII. COMPLIANCE ORDER

84. Based on the foregoing findings, Respondent is hereby ordered to comply with the following requirements immediately upon receipt of this Compliance Order ("Order"):

(a) Respondent shall achieve and maintain compliance with all applicable requirements of RCRA and the Maine Rules. Specifically, upon receipt of this Order,

Respondent shall comply with the following requirements:

(b) Within sixty (60) days of receipt of this Order and in accordance with Section 5 of Chapter 851 of the Maine Rules and 40 C.F.R. § 268.7(a), Respondent shall make hazardous waste determinations with respect to all solid wastes generated at the facility.

(c) Immediately upon receipt of this Order, Respondent shall cease the unauthorized treatment and disposal of hazardous waste and shall comply with all applicable sections of Section 6.I. of Chapter 856 of the Maine Rules.

(d) Within sixty (60) days of receipt of this Order and in accordance with Section 8B(5) of Chapter 851, of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16, Respondent shall develop and implement a training program directed by a person trained in hazardous waste management procedure, and maintain adequate hazardous waste personnel and training documentation.

(e) Within ninety (90) days of receipt of this Order and in accordance with Section 8B(5) of Chapter 851, of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16, Respondent shall have properly trained all employees requiring hazardous waste training.

(f) Within forty-five (45) days of receipt of this Order and in accordance Section 8B(5) of Chapter 851 of the Maine Rules, Respondent shall develop and implement a complete contingency plan.

(g) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13D of the Maine Rules, Respondent shall develop and follow new inspection

checklists and conduct and document adequate hazardous waste inspections.

(h) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13C(6) of the Maine Rules, Respondent shall segregate all incompatible hazardous waste at the facility.

(j) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13C(7) of the Maine Rules, Respondent shall store all hazardous waste at the facility with appropriate aisle spacing.

(k) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13B(2) of the Maine Rules, Respondent shall ensure all hazardous waste containers at the facility remain closed except when wastes are being added or removed.

(l) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13B(3) of the Maine Rules, Respondent shall ensure all hazardous waste containers at the facility are properly labeled with the words "hazardous waste."

(m) Immediately upon receipt of this Order and in accordance with Chapter 851, Section 13B(3) of the Maine Rules, Respondent shall ensure all hazardous waste containers at the facility are properly labeled with the accumulation start date.

(n) Within seventy (70) days of receipt of this Order, Respondent shall submit to EPA written confirmation of its compliance (accompanied by a copy of any appropriate supporting documentation) or noncompliance with the requirements set forth in Paragraph 86. Any notice of noncompliance with the requirements of Paragraph 86 shall state the reasons for the noncompliance and when compliance is expected. Notice of

noncompliance will in no way excuse the noncompliance. The information requested in this Compliance Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq. Respondent shall submit the copies of any information, reports, and/or notices required by this Order to:

Richard Piligian
Environmental Scientist
RCRA, EPCRA and Federal Programs Unit
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (OES 05-1)
Boston, Massachusetts 02109-3912

(o) If Respondent fails to comply with the requirements of this Order within the time specified, Section 3008(c) of RCRA and the Debt Collection Improvement Act provide for further enforcement action in which EPA may seek the imposition of additional penalties of up to \$ 37,500 for each day of continued noncompliance.

85. Upon receipt of a compliance order issued under RCRA section 3008(a), Respondent may seek administrative review in accordance with 40 C.F.R. Part 22. Respondent may seek judicial review of the compliance order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706, once it is final and reviewable pursuant to RCRA section 3008(b) and 40 C.F.R. Part 22.

VIII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

86. As provided by Section 3008(b) of RCRA, Respondent has a right to request a hearing on the issues raised in this Amended Complaint. Any such hearing would be conducted in accordance with the Consolidated Rules of Practice Governing the Administrative

Assessment of Civil Penalties, 40 C.F.R. Part 22. **A request for a hearing on the violations alleged in this Amended Complaint must be incorporated in a written Answer filed with the Regional Hearing Clerk within twenty (20) days of receipt of this Amended Complaint.**

In its Answer, Respondent may contest any material fact contained in the Amended Complaint.

The Answer shall directly admit, deny, or explain each of the factual allegations contained in the Amended Complaint and shall state: (1) the circumstances or arguments alleged to constitute the grounds of defense; (2) the facts Respondent intends to place at issue; and (3) whether a hearing is requested. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. Any failure of Respondent to admit, deny or explain any material fact contained in the Amended Complaint constitutes an admission of that allegation.

87. Respondent's Answer must comply with 40 C.F.R. § 22.15 and must be filed with the Regional Hearing Clerk at the following address within twenty (20) days of receipt of the Amended Complaint, consistent with 40 C.F.R. § 22.14(c):

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, Massachusetts 02109-3912

To be entitled to a hearing, Respondent must include a request for a hearing in its Answer to this Amended Complaint.

88. The filing and service of documents, other than the complaint, rulings, orders, and decisions, in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice may be filed and served by e-mail, consistent with the "Standing

Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer,” a copy of which was provided with the original Complaint.

89. Respondent should send a copy of the Answer, as well as a copy of all other documents which it files in this action, to Audrey Zucker, the attorney assigned to represent EPA and who is designated to receive service in this matter, at:

Audrey Zucker
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (OES 04-2)
Boston, Massachusetts 02109-3912
Zucker.Audrey@epa.gov

90. If Respondent fails to file a timely answer to the Amended Complaint, Respondent may be found to be in default pursuant to 40 C.F.R. § 22.17. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Amended Complaint and a waiver of Respondent's right to a hearing on such factual allegations. In addition, default will preclude Respondent from thereafter obtaining adjudicative review of any of the provisions contained in the Compliance Order section of the Amended Complaint.

IX. SETTLEMENT CONFERENCE

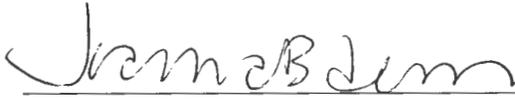
91. Whether or not a hearing is requested upon filing an answer, Respondent may confer informally with the EPA concerning the alleged violations. Such conference provides Respondent with an opportunity to provide whatever additional information may be relevant to the disposition of this matter. Any settlement shall be made final by the issuance of a written Consent Agreement and Final Order by the Regional Judicial Officer, EPA Region 1. The issuance of such a Consent Agreement shall constitute a waiver of Respondent's right to a

hearing on any issues of law, fact, or discretion included in the Agreement.

92. Please note that a request for an informal settlement conference does not extend the thirty (30) day period within which a written answer must be submitted in order to avoid default. To explore the possibility of settlement in this matter, Respondent or Respondent's counsel should contact Audrey Zucker, Enforcement Counsel, at (617) 918-1788 or zucker.audrey@epa.gov.

X. EFFECTIVE DATE

93. This Amended Complaint and Compliance Order shall become effective immediately upon receipt by Respondent.

 Date: 9/8/15
Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA, Region 1

Attachment 1
Explanation of Penalty Calculation
In the Matter of Maine Health & Environmental Testing Laboratory
Augusta, MA

Amended Administrative Complaint
EPA Docket No. RCRA-01-2015-0024

The following discussion provides a justification for the proposed penalty against Maine Health & Environmental Laboratory (“HETL”) for violations of certain requirements of the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 (“HSWA”) and the State of Maine Hazardous Waste Regulations. HETL operates a facility at 221 State Street, Augusta, MA.

Gravity-based penalties and multiple or multi-day penalties were calculated in accordance with the RCRA Civil Penalty Policy, dated June 23, 2003, (“RCPP”), the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701 *et seq.*, as well as 40 C.F.R. Part 19.

The following RCRA violations were documented during an EPA Compliance Evaluation Inspection (“CEI”) conducted at HETL on August 7 and 8, 2013:

Summary of Violations

1. Failure to conduct adequate hazardous waste determinations

At the time of the inspection, HETL had not conducted adequate hazardous waste determinations for the following categories of waste:

- a. wastes containing organic and possibly inorganic constituents; and
- b. wastes containing only inorganic constituents.

Penalty Assessment

(a) Potential for Harm – Major

Conducting a proper hazardous waste determination is the foundation of the RCRA Program. Making a proper hazardous waste determination is the most important responsibility a generator must undertake to properly and safely manage its waste. The purpose of making a waste determination is to identify those wastes that are subject to management requirements under Subtitle C of RCRA because of the hazards they may pose in transit, treatment, storage or disposal. Failure to conduct a waste determination has a substantial adverse effect on the regulatory program because waste may be improperly managed or disposed and people working with the materials may not be aware of the hazards associated with them. Failure to determine if wastes are hazardous, and to determine the types of hazards associated with each waste stream stored on-site, poses a substantial risk of exposure to humans and/or environmental receptors due to the potential for improper handling, storage, treatment and disposal of these wastes.

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

Without hazardous waste identification, such wastes could be stored in uncontrolled areas where emergency responders and facility personnel might not recognize associated hazards, increasing the likelihood for mismanagement, improper disposal, release or other events (such as a fire or explosion).

At the time of the inspection, HETL was neutralizing and disposing in the sewer many of the waste streams that they generate. Decisions on neutralization appear to be made based on the pH of the waste, without review of the potential of the waste to be characteristic or listed.

The failure to conduct proper hazardous waste determinations also poses a substantial threat to the regulatory program. Without proper hazardous waste identification, waste materials could be neglected and/or stored in uncontrolled areas without meeting regulatory management standards. It was not possible for EPA inspectors to determine whether solid wastes generated and/or stored on-site were hazardous, or whether additional precautions were required to properly manage these wastes prior to treatment and disposal (due to toxicity, ignitability, reactivity or incompatibility). The facility was not able to determine their proper operating status. The potential for harm is major.

(b) Extent of Deviation - Major

The number of containers and total volume of waste observed during the inspection that had not been properly characterized represented a substantial portion of the wastes generated at the facility. Therefore, the extent of deviation is major.

(c) Penalty Assessment:

EPA has determined that HETL's violation of these requirements warrants a classification of Major/Major.

- (1) Matrix Cell Range (gravity-based penalty): \$28,330 - \$37,500
Penalty Amount Chosen - \$32,915 (mid-point)

(2) Multiple/Multi-day Assessment

There were multiple violations of this requirement. Each of the two waste streams listed above for which a waste determination was not conducted constitutes a violation. Pursuant to the RCPP, at page 22, multi-day penalties are being applied for the second violation rather than assessing each failure to make an adequate waste determination as an independent and non-continuous act. Penalties have been assessed as follows:

Matrix range: \$1,420 - \$7,090

Second violation assess at midpoint of matrix: \$4,255

Penalty for second violation = \$4,255 x 1 = \$4,255

TOTAL PENALTY AMOUNT: \$38,684

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

2. Treatment of hazardous waste in an on-site neutralization unit without a license

HETL treats hazardous waste in an on-site neutralization unit. It has a pretreatment agreement with the local Publicly Owned Treatment Works, and a spill and clean-up plan that requires quarterly and daily inspections of the elementary neutralization unit.

Respondent neutralized wastes that were hazardous due to characteristics in addition to the characteristic of corrosivity, such as lead and cadmium. Respondent did not conduct adequate hazardous waste determinations prior to neutralization of wastes. In addition, no evidence was provided to establish that HETL is performing daily and quarterly inspections of the elementary neutralization unit. HETL cannot establish that its use of on-site neutralization falls within the requirements of any license exemption.

Penalty Assessment

(a) Potential for Harm - Major

By failing to comply with the conditions for license exemption under the Maine Rules, Respondent is subject to hazardous waste facility licensing requirements. The unlicensed treatment and disposal of hazardous wastes poses a major potential for harm to the regulatory program. The unlicensed treatment of hazardous waste at HETL led to the potential release of hazardous constituents. These hazardous constituents were toxic. Compliance with the license exemption standards would ensure that treatment of hazardous wastes was done properly further protecting the environment and the health and safety of HETL staff. The potential for harm is therefore major.

(b) Extent of Deviation - Major

The treatment of hazardous wastes without a permit or certification substantially deviates from regulatory requirements. The extent of deviation is deemed to be major.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty): \$28,330 - \$37,500.

Penalty Amount: \$32,915 (mid-point)

(3) Adjustment for Economic Benefit

Using EPA's BEN model, the economic benefit derived by HETL for its noncompliance is \$13,276.

TOTAL PENALTY AMOUNT: \$46,191

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

3. Failure to Provide Hazardous Waste Training to Employees Managing Hazardous Waste

HETL did not provide hazardous waste training to all employees treating hazardous wastes.

Penalty Assessment

(a) Potential for Harm – Moderate

Applicable regulations require employees who manage hazardous waste as part of their normal job duties to be properly trained. This training is an essential part of proper hazardous waste management. The failure to provide training is a serious violation. Without proper training, employees will not know how to handle hazardous waste safely, and how to respond in an emergency. Improper handling of hazardous waste increases the likelihood of a release and worker exposure. Respondent's hazardous waste management practices were inadequate, as documented by the violations cited. The HETL facility generated numerous waste streams posing numerous hazards. The facility did provide adequate RCRA training to several employees. HETL did train some of the employees that managed the RCRA program. The potential for harm is moderate.

(b) Extent of Deviation - Moderate

Adequate RCRA training was given to several key environmental management staff. However, other key employees should have been trained and were not. These included emergency response personnel, staff generating and managing hazardous waste and employees treating hazardous wastes. More than half of the employees that required formal RCRA training lacked that training. The extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$9,210 (mid-point)

(3) Adjustment for Economic Benefit

Using EPA's BEN model, the economic benefit derived by HETL for its noncompliance is \$1,891.

TOTAL PENALTY AMOUNT: \$11,101

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

4. Failure to maintain a complete personnel training plan.

At the time of the inspection, HETL failed to maintain a complete personnel training plan.

Penalty Assessment

(a) Potential for Harm – Moderate

Applicable regulations require employees who manage hazardous waste as part of their normal job duties to be properly trained. This training is an essential part of proper hazardous waste management. The facility must develop and retain proper documentation that demonstrates that they designed and implemented a proper training program. Without this documentation it is difficult for regulatory agencies and others to assess the capabilities and quality of a training program. Although HETL's training plan was significantly deficient they did have several components of a plan in place. The potential for harm is moderate.

(b) Extent of Deviation - Moderate

HETL was missing a significant portion of the training program documentation. The extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$ 9,210 (mid-point).

TOTAL PENALTY AMOUNT: \$9,210

5. Failure to maintain adequate contingency plan.

HETL did not have a hazardous waste contingency plan.

Penalty Assessment

(a) Potential for Harm - Moderate

The primary function of a contingency plan is to establish a framework for making management decisions during a waste chemical emergency. As such, the contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste. Specifically, the plan is designed to prevent and to minimize hazards to public health,

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

safety, or welfare of the environment from fires, explosions, spills or other unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil, surface water, or ground water. In addition, a contingency plan is to have a clear outline of the lines of communication among facility personnel and describe the actions facility personnel shall take in response to potential or actual fires, explosions, or any other sudden or non-sudden releases of hazardous waste or hazardous waste constituents to the environment.

Failure to have a complete and comprehensive contingency plan represents a significant potential harm to human health and the environment, especially considering the hazards posed by the wastes at the HETL facility. A spill or release, fire or explosion involving such materials is life threatening. This violation increased the potential that facility personnel will not effectively recognize, assess and respond to a potential incident in a manner that optimally minimizes the potential impact to human health and the environment. This violation also increased the potential that facility personnel will not be able to communicate the potential risks to affected employees and public. By having some of the portions of a contingency plan, HETL mitigated a portion of the harm of not having any plan. The potential for harm is therefore moderate.

(b) Extent of Deviation – Moderate

Although HETL did not have an adequate contingency plan, the combination of plans did contain a number of the required portions of a contingency plan. The extent of deviation is therefore moderate.

(c) Penalty Assessment:

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

- (1) Matrix Cell Range (gravity-based penalty): Moderate/Major \$7,090 - 11,330. Penalty Amount Chosen: \$9,210 (mid-point)

TOTAL PENALTY AMOUNT: \$9,210

6. Failure to conduct and/or document adequate inspections.

HETL failed to conduct and/or document adequate inspections in the SAA and the HWSA.

Penalty Assessment

(a) Potential for Harm – Moderate

Inspection programs are intended to ensure that containers of hazardous waste and hazardous waste management units are properly managed. Inspections of all hazardous waste storage areas is an important measure to insure problems, such as open containers storing highly flammable and volatile organic compounds (VOCs), leaking containers and/or other deterioration, are promptly identified and remediated. Lack of adequate

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

inspections could result in deleterious conditions remaining undetected and uncorrected, leading to significant threats to human health and the environment. By not conducting inspections of these areas on a daily basis, risks could have been overlooked. This represents a significant deviation from the regulatory purpose associated with inspections of container storage areas. There were numerous SAA locations where adequate inspections were conducted. The potential for harm is moderate.

(b) Extent of Deviation – Moderate

Most of the required inspections were conducted but adequate inspections could not be conducted at the HWSA. The extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$9,210 (mid-point).

TOTAL PENALTY AMOUNT: \$9,210

7. Failure to separate incompatible wastes.

HETL stored containers of incompatible waste in the hazardous waste storage area.

Penalty Assessment

(a) Potential for Harm – Major

Storage of incompatible hazardous wastes poses a substantial risk to human health and the environment. If the incompatible wastes from these containers were released and mixed together, the reaction could include the generation of heat, fire toxic gases and other violent chemical reactions. Nitric acid is incompatible with most items in the HWSA. Sodium arsenite and hydrochloric acid are incompatible with most items in the HWSA. Since this storage occurred in the HWSA, potentially dozens of containers of hazardous wastes and hundreds of containers of products stored in the same room could become involved in a fire. The potential for harm is major.

(b) Extent of Deviation - Major

The storage of incompatible wastes involved most of the hazardous waste containers observed at the HWSA during EPA's inspection. The extent of deviation is major.

(c) Penalty Assessment

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

EPA has determined that HETL's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty): \$28,330 - \$37,500.

Penalty Amount: \$32,915 (mid-point).

TOTAL PENALTY AMOUNT: \$32,915

8. Failure to have adequate aisle space in the hazardous waste storage area.

At the time of the inspection, HETL was storing hazardous waste containers in the HWSA with inadequate aisle space.

Penalty Assessment

(a) Potential for Harm – Moderate

Storage of hazardous wastes without adequate aisle space poses a significant risk to human health and the environment if the wastes from any of these containers were released. These containers were stored so that conditions leading to a release from many of these containers could not have been detected and corrected. In addition, the timely and adequate access of response equipment to a leaky container would have been hampered. Given the volume of wastes stored and the variety of waste types present in the HWSA, the potential for harm is moderate.

(b) Extent of Deviation - Moderate

Almost half of the hazardous waste containers present at the facility were stored within HWSA. Inadequate aisle space was present throughout the entire HWSA. The extent of deviation is moderate.

(c) Penalty Assessment:

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount Chosen - \$9,210 (mid-point).

PENALTY AMOUNT = \$9,210

9. Failure to keep containers of hazardous wastes closed.

At the time of the inspection, HETL had open containers of hazardous waste in the HWSA, in four laboratories, and in the Neutralization Area, even though these containers were not being filled or emptied.

Penalty Assessment

(a) Potential for Harm – Moderate

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

Failure to properly close containers of hazardous waste at hazardous waste storage and accumulation areas increases the likelihood of a spill or other accident. The requirement that containers of hazardous waste be closed helps protect ignitable or reactive wastes from sources of ignition or reaction, prevents contact with corrosive wastes, prevents spills, reduces the potential for mixing of incompatible wastes, and prevents direct contact with the waste by facility personnel. A fire or uncontrolled reaction of wastes would lead to the release of hazardous constituents to the environment. This violation presented a significant potential for harm to human health and the environment from a spill, fire or explosion. However, most of the containers observed at the facility were closed. The potential for harm is moderate.

(b) Extent of Deviation - Moderate

Multiple containers of hazardous waste were found open in six of the areas inspected in the facility. Thus, the extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$9,210 (mid-point)

PENALTY AMOUNT: \$9,210

10. Failure to label containers with the words "Hazardous Waste."

At the time of the inspection, HETL had not labeled hazardous waste containers in six locations at the facility with the words "Hazardous Waste."

Penalty Assessment

(a) Potential for Harm – Moderate

The potential for harm to human health or the environment is significant because without proper labeling it is impossible to visually determine if these containers hold hazardous wastes. All of the containers included in this count were identified by facility personnel as containing waste. Therefore, there was a significant likelihood that these hazardous wastes could have been improperly handled since they were not labeled as hazardous waste. These containers could have been a) improperly handled since they were not identified as hazardous wastes; or b) the cause of an accident because the hazard associated with each container was not known. This violation also poses a significant harm to the RCRA regulatory program. It was not possible for an inspector to visually determine if the containers held hazardous wastes and/or what the specific waste

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

was. Many containers had some identifying information on the container. The potential for harm is moderate.

(b) Extent of Deviation - Moderate

A significant number of containers holding hazardous waste at the facility were properly marked or labeled. These containers were not marked with hazardous waste labels. There were however, numerous containers that were properly marked. Therefore, the extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$9,210 (mid-point)

PENALTY AMOUNT: \$9,210

11. Failure to date containers of hazardous waste.

At the time of the inspection, HETL had no dates on containers of hazardous wastes in two locations within the facility.

Penalty Assessment

(a) Potential for Harm – Moderate

The potential for harm to human health or the environment is significant because without dating containers of hazardous waste, it is impossible to visually determine if such containers have accumulated on-site for the legal time limit of ninety days or less. By labeling containers with the accumulation date, facilities can accurately determine how long hazardous wastes have been stored. The longer wastes are stored, the greater the likelihood of contamination/release or accidents due to leaks or spills. The failure to clearly mark hazardous waste containers with a beginning accumulation date makes it impossible for inspectors to determine how long waste has been stored, which makes it difficult to determine if the facility is operating within the time frame allowed for a non-permitted facility. However, based on a review of the facility's documentation, hazardous wastes were routinely shipped off-site. Although it could not be determined the length of time these specific containers were stored on-site, the shipment pattern reduced the risk of harm from this violation. The potential for harm is moderate.

(b) Extent of Deviation - Moderate

USEPA

Penalty summary –ME Health and Environmental Testing Lab, Augusta, ME

Half of the containers of hazardous waste requiring dating at the facility were not properly marked or labeled with an accumulation date. Therefore, the extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that HETL's violation of these requirements warrants a classification of Moderate/Moderate.

Matrix Cell Range (gravity-based penalty): \$7,090 - \$11,330.

Penalty Amount: \$9,210 (mid-point)

PENALTY AMOUNT: \$9,210

PENALTY SUMMARY

1. Failure to Conduct Adequate Waste Determinations	\$ 38,684
2. Treatment Without a License	\$ 46,191
3. Failure to Adequately Train Employees	\$ 11,101
4. Failure to Maintain Training Program	\$ 9,210
5. Failure to Maintain an Adequate Contingency Plan	\$ 9,210
6. Failure to Conduct Adequate Inspections	\$ 9,210
7. Failure to Segregate Incompatibles	\$ 32,915
8. Failure to Have Adequate Aisle Space	\$ 9,210
9. Failure to Keep Containers Closed	\$ 9,210
10. Failure to Label Containers of Hazardous Waste	\$ 9,210
<u>11. Failure to Date Containers of Hazardous Waste</u>	<u>\$ 9,210</u>
TOTAL PROPOSED PENALTY	\$ 193,361