



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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BOSTON, MASSACHUSETTS 02114-2023

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Via Hand Delivery

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114-2023

RE: In the Matter of: Connecticut Transfer Company, LLC,
Docket No. TSCA-01-2009-0052

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Complaint and a Certificate of Service.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "William D. Chin".

William D. Chin
Enforcement Counsel

Enclosures

cc: Kimberly Angelico

Toll Free • 1-888-372-7341

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In the Matter of: Connecticut Transfer Company, LLC
Docket No. TSCA-01-2009-0052

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Complaint to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
by hand delivery:

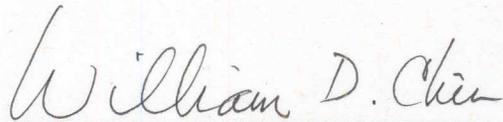
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114

One copy, by Certified Mail,
Return Receipt Requested:

Kimberly Angelico
President
Connecticut Transfer Company, LLC
80 Morehouse Road
Easton, CT 06612

Dated: _____

6/30/09



William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: SEL)
Boston, MA 02114

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

RECEIVED

In the Matter of:)
)
Connecticut Transfer Co., LLC)
469 Brooklawn Ave.)
Fairfield, CT 06825)
)
Respondent)
)
Proceeding under Section 16(a))
of the Toxic Substances Control)
Act, 15 U.S.C. § 2615(a).)

Docket No.
TSCA-01-2009-0052
COMPLAINT

2009 JUN 30 A 9:35
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I. STATUTORY AND REGULATORY BASIS

1. Complainant, the United States Environmental Protection Agency, Region 1 ("EPA"), issues this administrative Complaint and Notice of Opportunity for Hearing to Connecticut Transfer Co., LLC ("CTC" or "Respondent") under Section 16 of the Toxic Substances Control Act ("TSCA") and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. This Complaint notifies Respondent that EPA intends to assess penalties for alleged violations of Section 15 of TSCA, 15 U.S.C. § 2614, and the federal regulations entitled, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions" (the "PCB Regulations"), 40 C.F.R. Part 761. The alleged violations involve the improper disposal of PCBs from a PCB Transformer and a PCB-Contaminated Transformer, and the failure to comply with various marking, storage, and reporting requirements for PCBs.

2. Complainant takes this action under the authority of Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for violations of Section 15 of TSCA and 40 C.F.R. Part 761.

3. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), makes it unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605.

4. The PCB Regulations at 40 C.F.R. Part 761 were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. 2605(e).

5. The PCB Regulations establish “prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.” See 40 C.F.R. § 761.1(a).

6. The PCB Regulations define “PCB” as “any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contain such substance.” See 40 C.F.R. § 761.3.

7. Forty C.F.R. § 761.40 sets forth the requirements for the marking of PCB Transformers.

8. Forty C.F.R. §§ 761.50 and 761.60 set forth the requirements for the disposal of PCBs.

9. Forty C.F.R. § 761.65 sets forth the requirements for the storage for disposal of PCBs at concentrations of 50 parts per million (“ppm”) or greater and PCB Items containing PCBs at concentrations of 50 ppm or greater.

10. Forty C.F.R. § 761.202 sets forth the requirements for generators of PCB waste to obtain identification numbers from EPA prior to processing, storing, disposing of, transporting, or offering for transport PCB waste.

11. Forty C.F.R. § 761.205 sets forth the requirements for generators of PCB waste to notify EPA prior to engaging in PCB waste handling activities.

II. GENERAL ALLEGATIONS

12. Respondent is a corporation incorporated under the laws of the State of Connecticut.

13. Respondent owns and operates the site of the former Bridgeport Brass Company located at 560 North Washington Avenue in Bridgeport, Connecticut (the "Facility"). The Facility is an approximately 3.3 acres with one large building and is not in use at this time. Respondent acquired the Facility sometime in or about November 2007.

14. At all times relevant to this Complaint, Respondent is a "person," as defined in 40 C.F.R. § 761.3.

15. On April 2, 2008, Norlite Corporation, a waste disposal/recycling facility in Cohoes, New York ("Norlite"), rejected a 5,000 gallon shipment of waste oil from Bridgeport United Recycling, Inc. of Bridgeport, Connecticut ("BUR"), because the shipment contained a PCB concentration of 2,006 parts per million ("ppm"). Norlite is not permitted to reuse waste oil containing PCBs. Norlite notified the New York Department of Environmental Conservation ("NY DEC") of the PCB-contaminated waste oil shipment.

16. On April 4, 2008, NY DEC notified the Connecticut Department of Environmental Protection ("CT DEP") of the PCB-contaminated waste oil shipment, described above in Paragraph 15.

17. On April 7, 2008, BUR notified CT DEP that it believed that the source of the PCBs in the PCB-contaminated waste oil shipment, described above in Paragraph 15, was approximately 883 gallons of waste oil that it had picked up on April 1, 2008 from the Facility at the request of Respondent. BUR had pumped the waste oil from two 55-gallon drums and one

electrical transformer located at the Facility.

18. On April 9, 2008, CT DEP inspected the Facility to determine Respondent's compliance with TSCA and the PCB Regulations ("Inspection #1").

19. At the time of Inspection #1, at least five electrical transformers were located at the Facility. One of the transformers was located inside the building at the Facility and the remaining four were located outdoors.

20. At the time of Inspection #1, the indoor transformer (General Electric #G857381) was inactive and had been offline since at least November 2007. The nameplate on the transformer identified it as a General Electric Pyranol Transformer. [Pyranol was the trade name used by General Electric for transformers that were filled with oil containing a PCB concentration greater than or equal to 500 ppm.] General Electric #G857381 was the source of the transformer oil that contaminated the waste oil shipment from BUR to Norlite with PCBs, as described above in Paragraphs 15-17. The building where General Electric #G857381 was stored for disposal had a floor that lacked any continuous curbing, and the area around General Electric #G857381, especially under the valve, was heavily stained with oil.

21. At the time of Inspection #1, General Electric #G857381 was not labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a); an old M_L mark appeared to have been scratched off the transformer sometime before the inspection and was no longer clearly visible. Also, the area where General Electric #G857381 was stored for disposal was not labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a). Furthermore, General Electric #G857381 was not labeled with the date it had been removed from service for disposal.

22. At the time of Inspection #1, the four outdoor transformers (Westinghouse

#529368, Westinghouse #529369, Westinghouse #529370, and General Electric #7022501) were all inactive and all had been offline since at least November 2007. The three Westinghouse transformers were all within one chain link fence enclosure while the General Electric transformer was in a separate, but adjacent, chain link fence enclosure. Each of the outdoor transformers rested upon two concrete supports that sat on the top of exposed ground/soil. The ground/soil around and beneath all of these transformers was heavily stained with oil. The area underneath the valves of the exteriors of the Westinghouse transformers also showed visible weepage and staining. Also, there was no continuous curbing around any of the outdoor transformers.

23. At the time of Inspection #1, General Electric #7022501 was not labeled with the date it had been removed from service for disposal. Also, the area where General Electric #7022501 was stored for disposal was not labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

24. On April 11, 2008, CT DEP issued a Notice of Violation (“NOV”) to Respondent regarding the potential violations of environmental requirements at the Facility. [On May 9, 2008, Respondent submitted a Compliance Statement to CT DEP in response to the NOV.]

25. On April 14, 2008, CT DEP returned to the Facility to obtain samples from the staining on the soil/debris in the area around the four outdoor transformers (“Inspection #2”).

26. Analytical results of the soil samples, described above in Paragraph 25, indicated that that the PCB concentrations in the samples were 80.22 ppm (Westinghouse #529638), 29.54 ppm (Westinghouse #529369), 78.41 ppm (Westinghouse #529370), and 394.9 ppm (General Electric #7022501).

27. On April 29, 2008, Transformer Services, Inc. ("TSI") sampled the oil from each of the four outdoor transformers. The results were reported to CT DEP on May 5, 2008 and revealed PCB concentrations of less than 50 ppm in each of the three Westinghouse transformers and 207 ppm for General Electric #7022501.

28. On or about June 23, 2008, TSI removed the three Westinghouse transformers from the Facility.

29. On or about June 27, 2008, Clean Harbors removed the two General Electric transformers from the Facility.

30. At all relevant times to this Complaint, General Electric #G857381 is a "PCB Transformer," "PCB Article," "PCB Container," and "PCB Item," as defined in 40 C.F.R. § 761.3.

31. At all times relevant to this Complaint, General Electric #7022501 is a "PCB-Contaminated Electrical Equipment," a "PCB Article," "PCB Container," and "PCB Item," as defined in 40 C.F.R. § 761.3.

32. At all times relevant to this Complaint, General Electric #G857381, General Electric #7022501, and the leaked/spilled transformer oil from these transformers are "PCB waste," as defined in 40 C.F.R. § 761.3.

33. At all times relevant to this Complaint, Respondent is a "generator of PCB waste," as defined in 40 C.F.R. § 761.3.

34. Based on information provided by Respondent, the CT DEP Inspections, and subsequent follow-up, Complainant has determined that Respondent has violated Section 15 of TSCA and the PCB Regulations as set forth below.

III. VIOLATIONS

COUNT 1 – Improper Disposal of PCBs from General Electric #G857381

35. Complainant incorporates by reference Paragraphs 1-34.
36. Pursuant to 40 C.F.R. § 761.50(a), any person storing or disposing of PCB waste must do so in accordance with 40 C.F.R. §§ 761.50 through 761.79.
37. Pursuant to 40 C.F.R. § 761.50(a)(4), spills and other uncontrolled discharges of PCBs at concentrations of greater than or equal to 50 ppm constitute the disposal of PCBs.
38. Pursuant to 40 C.F.R. § 761.60(a), PCB liquids in concentrations equal to or greater than 50 ppm must be disposed of in an incinerator which complies with 40 C.F.R. § 761.70, except that PCB liquids at concentrations equal to or greater than 50 ppm and less than 500 ppm may be disposed of using other specified methods.
39. As described above in Paragraph 20, at the time of Inspection #1, the area around General Electric #G857381, especially under the valve, was heavily stained with oil.
40. As described above in Paragraph 20, the oil that leaked/spilled from General Electric #G857381 contained a PCB concentration greater than or equal to 500 ppm.
41. As described above in Paragraphs 39-40, Respondent “disposed” of PCBs, as defined in 40 C.F.R. § 761.50(a)(4), by either spilling or making an uncontrolled discharge of the transformer oil from General Electric #G857381, at a PCB concentration equal to or greater than 50 ppm.
42. At all times relevant to this Complaint, Respondent did not dispose of the leaked/spilled PCB transformer oil from General Electric #G857381, as described above in Paragraphs 39-40, in accordance with the requirements of 40 C.F.R. § 761.60(a).

43. Accordingly, Respondent's failure to properly dispose of the leaked/spilled transformer oil from General Electric #G857381, as described above in Paragraphs 39-40, violated Section 15 of TSCA and 40 C.F.R. §§ 761.50(a) and 761.60(a).

COUNT 2 – Improper Disposal of PCBs from General Electric #7022501

44. Complainant incorporates by reference Paragraphs 1-43.

45. Pursuant to 40 C.F.R. § 761.50(a), any person storing or disposing of PCB waste must do so in accordance with 40 C.F.R. §§ 761.50 through 761.79.

46. Pursuant to 40 C.F.R. § 761.50(a)(4), spills and other uncontrolled discharges of PCBs at concentrations of greater than or equal to 50 ppm constitute the disposal of PCBs.

47. Pursuant to 40 C.F.R. § 761.60(a), PCB liquids in concentrations equal to or greater than 50 ppm must be disposed of in an incinerator which complies with 40 C.F.R. § 761.70, except that PCB liquids at concentrations equal to or greater than 50 ppm and less than 500 ppm may be disposed of using other specified methods.

48. As described above in Paragraph 22, at the time of Inspection #1, the soil/ground around and underneath General Electric #7022501 was heavily stained with oil.

49. As described above in Paragraph 26, analytical results for a soil sample taken from the area around General Electric #7022501 showed a PCB concentration of 394.9 ppm.

50. As described above in Paragraph 27, analytical results for a sample of oil taken from General Electric #7022501 showed a PCB concentration of 207 ppm.

51. As described above in Paragraphs 48-50, Respondent "disposed" of the PCBs in the transformer oil in General Electric #7022501 by either spilling or making an uncontrolled discharge of PCBs at concentrations greater than 50 ppm, as defined in 40 C.F.R. § 761.50(a)(4).

52. At all times relevant to this Complaint, Respondent did not dispose of the leaked/spilled PCB transformer oil from General Electric #7022501, as described above in Paragraphs 48-50, in accordance with the requirements of 40 C.F.R. § 761.60(a).

53. Accordingly, Respondent's failure to properly dispose of the leaked/spilled transformer oil from General Electric #7022501, as described above in Paragraphs 48-50, violated Section 15 of TSCA and 40 C.F.R. §§ 761.50(a) and 761.60(a).

COUNT 3 - Failure to Comply with Marking Requirements for General Electric #G857381 and/or General Electric #7022501

54. Complainant incorporates by reference Paragraphs 1-53.

55. Pursuant to 40 C.F.R. § 761.40(a)(2), after July 1, 1978, PCB Transformers at the time of removal from use shall be labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

56. Alternatively, pursuant to 40 C.F.R. § 761.40(c)(1), as of January 1, 1979, all PCB Articles not marked under 40 C.F.R. § 761.40(a) shall be labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

57. As described above in Paragraph 20, at the time of Inspection #1, General Electric #G857381 had been removed from use since at least November 2007.

58. As described above in Paragraph 21, at the time of Inspection #1, General Electric #G857381 was not labeled with the M_L mark as illustrated in Figure 1 under 40 C.F.R. § 761.45(a).

59. Accordingly, Respondent's failure to label General Electric #G857381 with the M_L mark as illustrated in Figure 1 under 40 C.F.R. § 761.45(a), as described above in Paragraphs

57-58, violated Section 15 of TSCA and 40 C.F.R. § 761.40(a)(2) [or alternately, 40 C.F.R. § 761.40(c)(1)].

60. Pursuant to 40 C.F.R. § 761.40(a)(10), after July 1, 1978, each storage area used to store PCBs and PCB Items for disposal shall be labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

61. As described above in Paragraph 20, at the time of Inspection #1, General Electric #G857381 had been inactive and stored for disposal since at least November 2007.

62. As described above in Paragraph 21, at the time of Inspection #1, the area where General Electric #G857381 was stored for disposal was not labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

63. Accordingly, Respondent's failure to label the area where General Electric #G857381 was stored for disposal with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a), as described above in Paragraphs 61-62, violated Section 15 of TSCA and 40 C.F.R. § 761.40(a)(10).

64. As described above in Paragraph 22, at the time of Inspections #1, General Electric #7022501 had been inactive and stored for disposal since at least November 2007.

65. As described above in Paragraphs 23, at the time of Inspection #1, the area where General Electric #7022501 was stored for disposal was not labeled with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a).

66. Accordingly, Respondent's failure to label the area where General Electric #7022501 was stored for disposal with the M_L mark as illustrated in Figure 1 in 40 C.F.R. § 761.45(a), as described above in Paragraphs 64-65, violated Section 15 of TSCA and 40 C.F.R.

§ 761.40(a)(10).

COUNT 4 - Failure to Comply with Storage and Notification Requirements for General Electric #G857381 and/or General Electric #7022501

67. Complainant incorporates by reference Paragraphs 1-66.

68. Pursuant to 40 C.F.R. § 761.50(a), any person storing or disposing of PCB waste must do so in accordance with 40 C.F.R. §§ 761.50 through 761.79. Forty C.F.R. § 761.50(c) specifies that any person who stores PCB waste for disposal must store it in accordance with 40 C.F.R. § 761.65.

69. Except as provided in 40 C.F.R. §§ 761.65(b)(2), (c)(1), (c)(7), (c)(9), and (c)(10), pursuant to 40 C.F.R. § 761.65(b), owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal must comply with certain storage requirements. Pursuant to 40 C.F.R. § 761.65(b)(1)(i), the facility used to store PCBs and PCB Items designated for disposal must have adequate roof and walls to prevent rain water from reaching the PCBs and PCB Items. Pursuant to 40 C.F.R. § 761.65(b)(1)(ii), the storage facility must also have an adequate floor that has continuous curbing with a minimum six inch high curb.

70. As described above in Paragraph 20, at the time of Inspection #1, General Electric #G857381 was stored for disposal in a building with a floor that did not have continuous curbing at least six inches high.

71. As described above in Paragraph 22, at the time of Inspection #1, General Electric #7022501 was stored for disposal outdoors in a chain link fence enclosure that did not have adequate roof and walls to prevent rain water from reaching the transformer or an adequate floor that had continuous curbing at least six inches high.

72. At all times relevant to this Complaint, the exceptions under 40 C.F.R. §§ 761.65(b)(2), (c)(1), (c)(7), (c)(9), and (c)(10) to the storage for disposal requirements of 40 C.F.R. § 761.65(b) did not apply to Respondent, General Electric #G857381 or General Electric #7022501.

73. Accordingly, Respondent's failure to store General Electric #G857381 in a facility with an adequate floor that had continuous curbing at least six inches high, as described above in Paragraph 70, violated Section 15 of TSCA and 40 C.F.R. § 761.65(b).

74. Accordingly, Respondent's failure to store General Electric #7022501 in a facility with adequate roof and walls to prevent rain water from reaching the transformer and with an adequate floor that had continuous curbing at least six inches high, as described above in Paragraph 71, violated Section 15 of TSCA and 40 C.F.R. § 761.65(b).

75. Pursuant to 40 C.F.R. § 761.65(c)(8), PCB Items must be dated on the item when they are removed from service for disposal.

76. As described above in Paragraph 21, at the time of Inspection #1, Respondent had not marked General Electric #G857381 with the date it was removed from service for disposal.

77. As described above in Paragraph 23, at the time of Inspection #1, Respondent had not marked General Electric #7022501 with the date it was removed from service for disposal.

78. Accordingly, Respondent's failure to mark General Electric #G857381 and General Electric #7022501 with the date each was removed from service for disposal, as described above in Paragraphs 76-77, violated Section 15 of TSCA and 40 C.F.R. § 761.65(c)(8).

79. Pursuant to 40 C.F.R. § 761.202(a), any generator of PCB waste who is required to have an EPA identification number under 40 C.F.R. § 761.202 must notify EPA of its PCB

waste handling activities using the notification procedures and form described in 40 C.F.R. § 761.205.

80. Pursuant to 40 C.F.R. § 761.202(b)(1)(i), after June 4, 1990, a generator of PCB waste shall not store PCB waste without having received an EPA identification number unless exempted from notification under 40 C.F.R. § 761.205(c)(1).

81. Pursuant to 40 C.F.R. § 761.205(a)(2), all generators (with certain exceptions) of PCB waste who first engage in PCB waste handling activities after February 5, 1990 shall notify EPA of their PCB waste activities prior to engaging in PCB waste handling activities.

82. Pursuant to 40 C.F.R. § 761.205(c)(1), generators of PCB waste need not notify EPA and receive an EPA identification number unless their PCB waste activities are described in 40 C.F.R. § 761.205(c)(2).

83. Pursuant to 40 C.F.R. § 761.205(c)(2), generators of PCB waste who use, own, service, or process PCBs or PCB Items shall notify EPA of their PCB waste activities only if they own or operate PCB storage facilities subject to the storage requirements of 40 C.F.R. §§ 761.65(b) or (c)(7).

84. As described above in Paragraph 20, Respondent stored General Electric #G857381 for disposal at the Facility since at least November 2007.

85. As described above in Paragraph 22, Respondent stored General Electric #7022501 for disposal at the Facility since at least November 2007.

86. At all times relevant to this Complaint, Respondent owned and/or operated PCB storage facilities subject to the requirements of 40 C.F.R. § 761.65(b).

87. At all times relevant to this Complaint, the exception under 40 C.F.R.

§ 761.205(c)(1) to notifying EPA of PCB waste activities prior to engaging in PCB waste handling activities did not apply to Respondent.

88. At all times relevant to this Complaint, Respondent did not notify EPA of its PCB waste handling activities prior to engaging in waste handling activities.

89. At all times relevant to this Complaint, Respondent did not have an EPA identification number prior to storing PCB waste.

90. Accordingly, Respondent's failure to notify EPA of its PCB waste activities prior to engaging in PCB waste handling activities violated Section 15 of TSCA and 40 C.F.R. §§ 761.202(a) and 761.205(a)(2).

91. Accordingly, Respondent's failure to have an EPA identification number prior to storing PCB waste violated Section 15 of TSCA and 40 C.F.R. § 761.202(b)(1)(i).

IV. PROPOSED CIVIL PENALTY

92. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), authorizes the assessment of a civil administrative penalty of up to \$25,000 per day for each violation described above. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, violations that occurred after March 15, 2004 and before January 13, 2009 are subject to penalties up to \$32,500 per day of violation. Violations that occurred on or after January 13, 2009 are subject to penalties up to \$37,500 per day per violation. [73 Fed. Reg. 75340, December 11, 2008]

93. In determining the amount of any penalty to be assessed, Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), requires that Complainant consider the nature, circumstances, extent, and gravity of the violations and, with respect to Respondent, its ability to pay, the effect

of the proposed penalty on its ability to continue in business, any history of prior such violations, its degree of culpability, and such other matters as justice may require. To assess a penalty for the alleged violations in this Complaint, Complainant will take into account the particular facts and circumstances of this case with specific reference to EPA's "Polychlorinated Biphenyls (PCB) Penalty Policy" (the "PCB Penalty Policy"), dated April 9, 1990, a copy of which is included with this Complaint. See EPA's "Notice of Availability of Polychlorinated Biphenyls Penalty Policy," 55 Fed. Reg. 13955 (April 13, 1990). [A revised penalty matrix, inserted into the PCB Penalty Policy at page 9-B, takes into account inflation adjustments under the DCIA for violations occurring after March 15, 2004 and before January 13, 2009.] The PCB Penalty Policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

94. Any proposed penalty in this matter will be developed based upon the best information available to Complainant, but any such penalty may also be adjusted if Respondent is able to establish a *bona fide* claim of ability to pay by providing Complainant with adequate financial documentation.

95. By this Complaint, Complainant seeks to assess civil penalties against Respondent of up to \$32,500 per day per violation for violations occurring on or before January 12, 2009 and up to \$37,500 per day per violation for violations occurring after January 12, 2009, as set forth below:

96. Count 1 (Improper Disposal): One violation for Respondent's improper disposal of PCB liquid waste from General Electric #G857381 from at least the date of Inspection #1 (April 9, 2008) to at least the date of issuance of this Complaint - The improper disposal of PCBs

presents a great risk of harm to human health and the environment. Leaks/spills onto porous surfaces often result in contamination of the surface to some depth. Once in the environment, PCBs do not readily break down and therefore may remain for long periods of time cycling between air, water, and soil. PCBs have been demonstrated to cause cancer, as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system.

97. Count 2 (Improper Disposal): One violation for Respondent's improper disposal of PCB liquid waste from General Electric #7022501 from at least the date of Inspection #1 (April 9, 2008) to at least the date of issuance of this Complaint - The improper disposal of PCBs presents a great risk of harm to human health and the environment. Leaks/spills onto porous surfaces often result in contamination of the surface to some depth. Once in the environment, PCBs do not readily break down and therefore may remain for long periods of time cycling between air, water, and soil. PCBs have been demonstrated to cause cancer, as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system.

98. Count 3 (Failure to Label): Three total violations - On the date of Inspection #1, one violation each for Respondent's failure to label with the M_L mark: General Electric #G857381; the area where it stored General Electric #G857381; and the area where it stored General Electric #7022501. The failure to mark PCB Transformers and/or areas where PCBs are stored substantially increases the possibility that employees, emergency personnel and the general public may be unaware of the presence of PCBs and increases their risk to exposure to PCBs.

99. Count 4 (Improper Storage): Six total violations - On the date of Inspection #1, one violation each for Respondent's failure to: store General Electric #G857381 in a facility with an adequate floor that had continuous curbing at least six inches high; store General Electric #702201 in a facility with adequate roof, walls, and an adequate floor that had continuous curbing at least six inches high; mark General Electric #G857381 with the date it was removed from service for disposal; mark General Electric #7022501 with the date it was removed from service for disposal; notify EPA of its PCB waste activities prior to engaging in PCB waste handling activities; and have an EPA identification number prior to storing PCB waste. The failure to store PCBs in proper storage facilities substantially increases the risk that the chemical may be exposed to the environment. In addition, the failure to date a PCB Item with the date it was removed from service adds to the probability that PCBs are not disposed of promptly, while the failure to notify EPA of the storage of PCBs and to obtain an EPA identification number has a high probability of impairing EPA's ability to account for and to regulate PCBs.

V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

100. As provided by Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and in accordance with 5 U.S.C. § 554, Respondent has the right to request a hearing on any material fact alleged in this Complaint. Any such hearing would be conducted in accordance with EPA's Consolidated Rules of Practice, a copy of which is enclosed with this Complaint. Any request for a hearing must be included in Respondent's written Answer to this Complaint ("Answer") and filed with the Regional Hearing Clerk at the address listed below within thirty (30) days of receipt of this Complaint.

101. In its Answer, Respondent may also: (1) dispute any material fact in this

Complaint; (2) contend that the proposed penalty is inappropriate; or (3) contend that it is entitled to judgment as a matter of law. The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint of which Respondent has any knowledge. If Respondent has no knowledge of a particular factual allegation and so states, the allegation is considered denied. The failure to deny an allegation constitutes an admission of that allegation. The Answer must also include the grounds for any defense and the facts Respondent intends to place at issue.

102. The original and one copy of the Answer, as well as a copy of all other documents which Respondent files in this action, must be sent to:

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100, Mail Code: RAA
Boston, Massachusetts 02114-2023

103. Respondent should also send a copy of the Answer, as well as a copy of all other documents which Respondent files in this action, to William D. Chin, the attorney assigned to represent EPA, and the person who is designated to receive service in this matter under 40 C.F.R. § 22.5(c)(4), at the following address:

William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street
Suite 1100, Mail Code: SEL
Boston, Massachusetts 02114-2023

104. If Respondent fails to file a timely Answer to this Complaint, Respondent may be found to be in default, which constitutes an admission of all the facts alleged in this Complaint

and a waiver of the right to a hearing. An order may then be issued making Respondent liable for the full amount of any penalty proposed in this Complaint.

VI. SETTLEMENT CONFERENCE

105. Whether or not a hearing is requested upon the filing of an answer, Respondent may confer informally with Complainant concerning the alleged violations and/or the amount of any penalty. Such a conference provides Respondent with an opportunity to respond informally to the charges, and to provide any additional information that may be relevant to this matter. Where appropriate, the amount of any penalty may be modified to reflect any settlement agreement reached at such a conference.

106. 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 a default. To request an informal settlement conference, Respondent or its representative should contact William Chin, Enforcement Counsel, at 617-918-1728.

Susan Studlien
Susan Studlien
Director
Office of Environmental Stewardship
U.S. EPA, Region 1

Date: 06/26/09



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

June 30, 2009

Via Hand Delivery

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114-2023

RE: In the Matter of: Connecticut Transfer Company, LLC,
Docket No. TSCA-01-2009-0052

Dear Ms. Santiago:

I enclose for filing in the above-referenced matter the original and one copy of the Complaint and a Certificate of Service.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "William D. Chin".

William D. Chin
Enforcement Counsel

Enclosures

cc: Kimberly Angelico

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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In the Matter of: Connecticut Transfer Company, LLC
Docket No. TSCA-01-2009-0052

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Complaint to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,
by hand delivery:

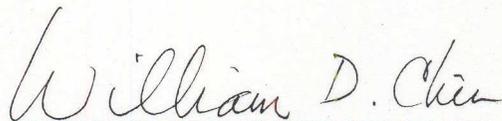
Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: RAA)
Boston, MA 02114

One copy, by Certified Mail,
Return Receipt Requested:

Kimberly Angelico
President
Connecticut Transfer Company, LLC
80 Morehouse Road
Easton, CT 06612

Dated: _____

6/30/09



William D. Chin
Enforcement Counsel
U.S. EPA, Region 1
One Congress Street
Suite 1100 (Mail Code: SEL)
Boston, MA 02114