



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

Honorable Susan L. Biro  
Chief, Administrative Law Judge (1900c)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: In the Matter of Tasman Leather Group, LLC  
Docket No. RCRA-01-2017-0054

Dear Judge Biro:

Pursuant to 40 C.F.R. 22.21(a) of the Consolidated Rules of Practice, I am transmitting a copy of the Complaint and Notice of Opportunity for Hearing in the above captioned matter along with Respondent's Answer and Request for Hearing. Please assign an Administrative Law Judge to serve as Presiding Officer.

Sincerely,

*Wanda I. Santiago*

Wanda I. Santiago  
Paralegal/Regional Hearing Clerk

cc: Counsel for Respondent

Kenneth F. Gray  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

Counsel for Complainant:

Joana Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (Mail Code OES 04-2)  
Boston, MA 02109-3912

Kevin Pechulis  
Enforcement Counsel  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (Mail Code 4-3)  
Boston, MA 02109

RECEIVED BY OALJ  
May 1  
2018 11:51 PM EDT

**KENNETH F. GRAY**

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Admitted in: MA, ME, NH

RECEIVED

APR 18 2018

EPA ORC  
Office of Regional Hearing Clerk

April 16, 2018

**BY ELECTRONIC MAIL AND FIRST CLASS MAIL**

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (Mailcode: ORC04-6)  
Boston, MA 02109-3912

Re: In the Matter of Tasman Leather Group, LLC, Docket No. RCRA-01-2017-0054

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter are the original and one copy of an Answer to Complaint and Request for a Hearing and Certificate of Service.

Thank you, and please call with any questions.

Very truly yours,



Kenneth F. Gray  
Attorney for Tasman Leather Group, LLC

Enclosures

cc: Norman Tasman, President, Tasman Leather Group, LLC  
Joanna Jerison, Esq., Manager, Legal Enforcement Office, EPA Region I  
Sheldon Yoffe, Esq., Tasman Industries  
Kevin P. Pechulis, Esq., Enforcement Counsel, EPA Region I

**United States Environmental Protection Agency  
Region I**

**RECEIVED**

APR 18 2018

EPA ORC  
Office of Regional Hearing Clerk

IN THE MATTER OF: )  
)  
Tasman Leather Group, LLC )  
9 Main Street )  
Hartland, ME 04943 )  
Respondent )  
)  
EPA I.D. No. MER000511501 )  
)  
Section 3008(a) )  
)  
Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )  
\_\_\_\_\_ )

Docket No.  
RCRA-01-2017-0054

**ANSWER TO COMPLAINT AND  
REQUEST FOR A HEARING**

Tasman Leather Group, LLC (“Respondent”) respectfully files this answer and requests a hearing in the above-captioned matter, an enforcement action filed by the Legal Enforcement Manager of the Office of Environmental Stewardship, United States Environmental Protection Agency (“EPA”), Region 1 (“Complainant”).

Respondent received the Complaint, Compliance Order, and Notice of Opportunity for a Hearing (“Complaint”) on September 28, 2017. Respondent and Complainant have agreed to several extensions to negotiate settlement, with the answer due no later than April 16, 2018. The following section is the answer, and for ease of reference, the numbers of Paragraphs 1-79 correspond to EPA’s enumeration in the Complaint.

## ANSWER

1. Respondent admits that Complainant is the Legal Enforcement Manager, Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1. The remainder of Paragraph 1 is a conclusion of law, and no response is required. To the extent that facts are alleged or stated, Respondent has no knowledge of those facts.
2. Respondent admits receipt of the Compliant and notice of the EPA's determination and opportunity to request a hearing but denies the remainder of Paragraph 2.
3. This Paragraph 3 is a conclusion of law and no response is required.
4. Respondent has no knowledge to admit or deny Paragraph 4.
5. The first sentence of Paragraph 5 is a conclusion of law and no response is required. Respondent admits the facts stated in the second and third sentences of Paragraph 5.
6. This Paragraph 6 is a conclusion of law and no response is required.
7. The first sentence of Paragraph 7 is a conclusion of law and no response is required. Respondent admits the facts stated in the second sentence in Paragraph 7.
8. Respondent has no knowledge to admit or deny these allegations of fact in Paragraph 8.
9. This Paragraph 9 is a conclusion of law and no response is required. Respondent further answers that the Complainant may not commence or maintain enforcement action against alleged violations of state law that are broader in scope than, or different from, federal hazardous waste requirements.
10. This Paragraph 10 is a conclusion of law and no response is required.
11. Respondent admits this Paragraph 11.
12. This Paragraph 12 is a conclusion of law and no response is required.

13. Respondent admits this Paragraph 13, but explains that the current workforce is approximately 170 persons.
14. Respondent admits this Paragraph 14.
15. This Paragraph 15 is a conclusion of law and no response is required.
16. Respondent admits the allegation in Paragraph 16 to the extent it is a statement of current fact, but because that the Paragraph does not allege the period of time for which Respondent was a generator of hazardous wastes, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations otherwise set forth in Paragraph 16.
17. Respondent admits that it generated hazardous waste in the past and is a current generator as alleged in Paragraph 17, but explains that Tasman is without knowledge or information sufficient to form a belief as to the truth of the allegations of being a generator “at all times relevant to this Complaint.”
18. Paragraph 18 sets forth a legal conclusion as to which no response is required.
19. Respondent that an EPA employee conducted an inspection of Respondent’s facility on May 3, 2016. The remainder of Paragraph 19 is a legal conclusion as to which no response is required.
20. Respondent admits the allegations set forth in the Paragraph 20 of the Complaint.
21. Respondent admits the allegations set forth in the Paragraph 21 of the Complaint.
22. Paragraph 22 sets forth a legal conclusion as to which no response is required.
23. Respondent admits the allegations set forth in the Paragraph 23 of the Complaint.
24. Respondent admits the allegations set forth in the Paragraph 24 of the Complaint.
25. Paragraph 25 states a legal conclusion as to which no response is required.

26. Respondent realleges and incorporates by reference Paragraphs 1-25 of this Answer.
27. Paragraph 27 sets forth a legal conclusion as to which no response is required.
28. Paragraph 28 sets forth a legal conclusion as to which no response is required.
29. Paragraph 29 sets forth a legal conclusion as to which no response is required.
30. Respondent admits the allegations set forth in the Paragraph 30 of the Complaint, but explains that (1) it understood that the generator identification number it used was proper and required to be used for the 9 Main Street, Hartland, Maine facility, (2) it understood that the prior owner and operator of the 9 Main Street, Hartland, Maine facility had used the generator identification number for shipments from that location, (3) Respondent completed hazardous waste manifests identifying the 9 Main Street, Hartland, Maine as the generator address so there should have been no issue of confusion as to the actual address of the facility or the address from which waste was generated, (4) because respondent believed it was using the correct identification number any non-compliance was completely unintentional, in good faith, and in an attempt to comply with the regulations, (5) no harm to health or the environment resulted or could have resulted from the alleged violation, and (6) any “threat to the integrity of the RCRA program” was non-existent.
31. Respondent admits Paragraph 31.
32. Paragraph 32 is a legal conclusion as to which no response is required.
33. Respondent realleges and incorporates by reference Paragraphs 1-32 of this Answer.
34. Paragraph 34 is a legal conclusion as to which no response is required.

35. Respondent denies Paragraph 35 of the Complaint. Answering further, Respondent states that it had in place most of the required elements of a contingency plan, but had not adopted a formal and final version of the contingency plan.
36. Paragraph 36 is a legal conclusion as to which no response is required.
37. Respondent realleges and incorporates by reference Paragraphs 1-36 of this Answer.
38. Paragraph 38 is a legal conclusion as to which no response is required.
39. Paragraph 39 is a legal conclusion as to which no response is required.
40. Respondent admits Paragraph 40.
41. Respondent admits that it did not submit an annual report by March 1, 2016 and admits that it did file an annual report on May 31, 2016. Respondent denies that it submitted a late report under Maine Department of Environmental Protection (“DEP”) reporting practices, which have DEP mailing summaries to generators (which occurred July 11, 2016), and generators responding to DEP summaries (which were requested by August 31, 2016).
42. Paragraph 42 is a conclusion of law to which no response is required.
43. Respondent realleges and incorporates by reference Paragraphs 1-42 of this Answer.
44. Paragraph 44 is a legal conclusion as to which no response is required.
45. Paragraph 45 is a legal conclusion as to which no response is required.
46. Paragraph 46 is a legal conclusion as to which no response is required.
47. Paragraph 47 is a legal conclusion as to which no response is required.
48. Paragraph 48 is a legal conclusion as to which no response is required.
49. Paragraph 49 is a legal conclusion as to which no response is required.
50. Respondent admits Paragraph 50.

51. Paragraph 51 is a legal conclusion as to which no response is required.
52. Respondent realleges and incorporates by reference Paragraphs 1-51 of this Answer.
53. Paragraph 53 is a legal conclusion as to which no response is required.
54. Respondent admits that it shipped 83 containers of liquid waste and that one drum was determined to be a hazardous waste, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 54.
55. Paragraph 55 is a legal conclusion as to which no response is required.
56. Respondent realleges and incorporates by reference Paragraphs 1-55 of this Answer.
57. Paragraph 57 is a legal conclusion as to which no response is required.
58. Paragraph 58 is a legal conclusion as to which no response is required.
59. Respondent admits that it stored ignitable hazardous waste but denies the remainder of the allegations set forth in Paragraph 59.
60. Paragraph 60 is a legal conclusion as to which no response is required.
61. Respondent realleges and incorporates by reference Paragraphs 1-60 of this Answer.
62. Paragraph 62 is a legal conclusion as to which no response is required.
63. Paragraph 63 is a legal conclusion as to which no response is required.
64. Respondent admits Paragraph 64.
65. Paragraph 65 is a legal conclusion as to which no response is required.
66. Respondent realleges and incorporates by reference Paragraphs 1-65 of this Answer.
67. Paragraph 67 is a legal conclusion as to which no response is required.
68. Paragraph 68 is a legal conclusion as to which no response is required.
69. Paragraph 69 is a legal conclusion as to which no response is required.
70. Paragraph 70 is a legal conclusion as to which no response is required.

71. Respondent admits the facts alleged in Paragraph 71.
72. Paragraph 72 is a legal conclusion as to which no response is required. Respondent further states that the cathode ray tubes in question are not subject to federal enforcement action under the legal citations supplied because these cathode ray tubes are not regulated under the federal regulatory program.
73. Respondent realleges and incorporates by reference Paragraphs 1-72.
74. Paragraph 74 is a legal conclusion as to which no response is required.
75. Respondent denies that all of the universal waste lamps were stored with inadequate aisle space to allow inspection, but otherwise admits the allegations set forth in Paragraph 75 of the Complaint.
76. Paragraph 76 is a legal conclusion as to which no response is required. Respondent further states that the cathode ray tubes in question are not subject to federal enforcement action under the legal citations supplied because these cathode ray tubes are not regulated under the federal regulatory program.

**THE PROPOSED PENALTY IS INAPPROPRIATE**

77. The proposed penalty of \$120,088.00 is inappropriate because it does not comport with 42 U.S.C. § 6928 (a)(3), which requires taking into account the seriousness of the violation and good faith efforts to comply with applicable requirements.
78. The proposed penalty of \$120,088.00 is inappropriate because it does not comport with the EPA "RCRA Civil Penalty Policy" dated June 2003 ("Penalty Policy"). EPA erred in numerous instances in determining a higher potential for harm or larger deviation that should have been assigned under the Penalty Policy. EPA also erred in not including

additional downward adjustments for all relevant factors including lack of willfulness and lack of negligence, cooperative attitude and good faith efforts to comply.

79. The proposed penalty of \$120,088.00 is inappropriate because EPA did not properly consider the ability of Respondent to pay the proposed penalty, which is a factor considered under the Penalty Policy. Although EPA requested and Respondent supplied confidential business information, EPA and its financial analyst improperly concluded that Respondent had no inability to pay the proposed penalty. To the extent that EPA may have been relying on EPA's "Memorandum of Guidance on Evaluating a Violator's Ability to Pay a Civil Penalty in an Administrative Enforcement Action" EPA either improperly applied that guidance or applicable precedent, or the guidance and any applicable precedent should be not be followed because it allows EPA to consider information that is not properly considered.

#### **REQUEST FOR A HEARING**

80. Respondent requests a hearing as allowed under 42 U.S.C. §6928(b), 40 C.F.R. §22.15 and Part 22, and Paragraph 82 of the Compliant.

#### **SETTLEMENT CONFERENCES**

81. Respondent and Complainant have held several settlement conferences and Respondent has negotiated in good faith in an attempt to resolve the Complaint, without success.

82. Respondent believes that settlement of this matter may be possible and is open to further negotiations if EPA deems settlement of interest.

**COMPLIANCE ORDER**

83. Paragraph 80 of the Complaint is an order to comply with certain hazardous waste and universal waste requirements, and Paragraph 80 requested a response from Respondent within 45 days of receipt of the Complaint.

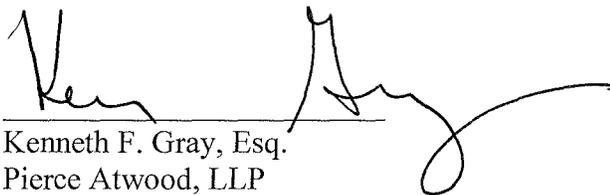
84. By letter dated November 2, 2018, which was in advance of the requested deadline, Respondent provided a statement of compliance.

85. EPA informed Respondent at a settlement conference on December 20, 2017 that EPA was satisfied that Respondent's statement of compliance fully addressed the order to comply found in Paragraph 80 of the Complaint.

Respectfully submitted,

Date: April 16, 2018

Signed:



Kenneth F. Gray, Esq.  
Pierce Atwood, LLP  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101  
Phone: (207) 791-1212  
Fax: (207) 791-1350  
Email: kgray@pierceatwood.com

Attorney for Tasman Leather Group, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Answer to Complaint and Request for a Hearing was delivered in the following manner to the addresses listed below:

Original and One Copy by  
First Class Mail, and  
electronic transmission, to:

Wanda I. Santiago  
Regional Hearing Clerk  
EPA Region 1 – New England  
5 Post Office Square, Suite 100 (ORC04-6)  
Boston, MA 02109-3912

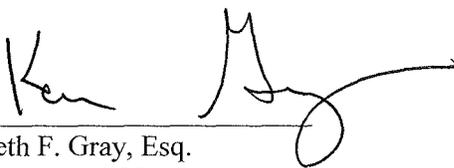
One Copy by First Class Mail,  
and electronic transmission, to:

Kevin P. Pechulis, Esq.  
Enforcement Counsel  
Office of Environmental Stewardship  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (OES04-3)  
Boston, MA 02109-3912

Joanna Jerison, Esq.  
Manager, Legal Enforcement Office  
U.S. EPA, Region 1  
5 Post Office Square (OES04-2)  
Boston, MA 02109-3912

Date: April 16, 2018

Signed:

  
\_\_\_\_\_  
Kenneth F. Gray, Esq.  
Pierce Atwood, LLP  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101  
Phone: (207) 791-1212  
Fax: (207) 791-1350  
Email: kgray@pierceatwood.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I – New England  
5 Post Office Square - Suite 100  
Boston, Massachusetts 02109-3912

**BY HAND**

September 28, 2017

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environment Protection Agency, Region I  
5 Post Office Square, Suite 100 (Mailcode: ORC04-6)  
Boston, MA 02109-3912

RECEIVED

SEP 28 2017

EPA ORC *WS*  
Office of Regional Hearing Clerk

Re: In the Matter of Tasman Leather Group, LLC, Docket No. RCRA-01-2017-0054

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter are the original and one copy of a Complaint, Compliance Order, and Notice of Opportunity for Hearing.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kevin P. Pechulis".

Kevin P. Pechulis  
Enforcement Counsel

Enclosures

cc: Norman Tasman, President, Tasman Leather Group, LLC  
Kenneth F. Gray, Esq., Pierce Atwood LLP

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**RECEIVED**

SEP 28 2017

EPA ORC <sup>ك</sup>  
Office of Regional Hearing Clerk

IN THE MATTER OF: )  
)  
Tasman Leather Group, LLC )  
9 Main Street )  
Hartland, ME 04943 )  
Respondent )  
)  
EPA I.D. No. MER000511501 )  
)  
Proceeding under Section 3008(a) )  
Resource Conservation and Recovery )  
Act, 42 U.S.C. § 6928(a) )  
\_\_\_\_\_ )

Docket No.  
RCRA-01-2017-0054

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

**I. STATEMENT OF AUTHORITY**

1. This Complaint, Compliance Order, and Notice of Opportunity for Hearing (“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, Tasman Leather Group, LLC (“Tasman”), 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.”) 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. 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 260-299.

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. 16264-16267 (May 6, 1988). The Maine regulations are codified at Chapters 850-860 of

the Maine Rules.

8. Maine submitted a final application for program 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. 34007-34012, 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 effective on January 10, 2005 (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 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, 42 U.S.C. § 6928(a), 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, 42 U.S.C. §§ 6928 (a) and (g), 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 Improvements 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 increased to \$37,500 per day for each violation which occurred after January 12, 2009 and on or before November 2, 2015. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461 note, Pub. L. 114-74, as well as 40 C.F.R. Part 19, the inflation-adjusted civil penalty for a violation of Subchapter III of RCRA increased to \$95,284 per day for each violation that occurred after November 2, 2015, and is assessed on or after January 15, 2017.

#### **IV. GENERAL ALLEGATIONS**

11. Respondent is a Maine limited liability company registered to conduct business in Maine. Respondent owns and operates a tannery facility located at 9 Main Street, Hartland, Maine (the “Facility”).

12. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.

13. Respondent’s Facility in Hartland, Maine is comprised of multiple multi-story buildings. Respondent has operated at this location since 2011, and employs a total of about 110 people who work in two shifts. At the Facility, Respondent performs re-tanning and finishing of various types of leather for the footwear and fashion industries. The leather manufacturing operations performed at the Facility include splitting and shaving hides, using dyes for coloring, drying, and finish re-tanning.

14. Respondent generates various hazardous wastes within its Facility, including, but not limited to, hazardous wastes generated during manufacturing operations, primarily from the finish coating operations, consisting of waste finish application mixes containing flammable solvents and chromium. Hazardous wastes generated during finish operations are waste finishes that are no longer able to be used due to production mix or finish quality. These wastes are classified as characteristic hazardous wastes due to ignitability and chromium content (toxicity). The buildings at Respondent's Facility include, but are not limited to, the Main Building, which is located on the north side of Main Street where finishing operations take place, and the Woolen Mill, Huni Building, and Wastewater Pretreatment Building on the south side of Main Street where dyeing operations take place. Respondent uses an area of the basement in the Woolen Mill as a hazardous waste storage area ("HWSA"), where Respondent stores hazardous wastes.

15. At all times relevant to this Complaint, Respondent was the "owner" and/or "operator," as defined in 40 C.F.R. § 260.10, of its Facility in Hartland, Maine.

16. Respondent generates wastes at its Facility 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. § 1303-C(15); and Chapter 850, Section 4A(3) of the Maine Rules.

17. At all times relevant to this 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.

18. Under Section 3B of Chapter 850 of the Maine Rules, a "Large Quantity Generator" means a generator that does any one of the following: (1) generates more than 100

kilograms (approximately 27 gallons) per month of hazardous waste, (2) generates more than 1 kilogram of acute hazardous waste per month, (3) accumulates more than 600 kilograms (approximately 165 gallons) of hazardous waste at any one time, (4) accumulates more than 1 kilogram of acute hazardous at any one time, or (5) accumulates acute hazardous waste in a container that is larger than 20 liters in capacity.

19. On May 3, 2016, authorized representatives of EPA conducted a RCRA compliance evaluation inspection of Respondent's Facility ("Inspection"), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

20. On or about June 2, 2016, pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), Respondent submitted a Notice of Hazardous Waste Activity to the State of Maine, identifying itself as an LQG of hazardous waste at the Facility.

21. According to a June 24, 2016 letter sent to EPA by Pierce Atwood LLP concerning Respondent, and calculations based on Respondent's hazardous waste manifest records, Respondent changed its business practices in 2014 and became subject to regulation as a large quantity generator ("LQG") of hazardous wastes under the Maine Rules at that time, and operated as an LQG through the date of the Inspection. Also, at the time of the Inspection, Wayne Chasse, Facility Engineer for Respondent, stated that the Facility was operating as an LQG.

22. 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 Chapters 850, 851, 852, 855, 857 and 858 of the Maine Rules.

23. On July 22, 2016, EPA sent Respondent a request for information pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9604, and Section 114(a)(1) of the Clean Air Act (“CAA”), 42 U.S.C. § 7414(a)(1).

24. On August 5, 2016, Respondent provided EPA with its response to the July 22, 2016 request for information.

25. Based on the Inspection and review of documents provided by Respondent to EPA, Complainant has identified the following violations at Respondent’s Facility:

#### **V. VIOLATIONS**

##### **Count 1 - Failure to Notify and Obtain a Valid EPA Identification Number**

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

27. Under Section 6A of Chapter 851 of the Maine Rules, no person shall generate hazardous waste without first having obtained a generator identification number specific for the site of waste generation, except as provided for a small quantity generator in the Maine Rules.

28. Under Section 3E of Chapter 851 of the Maine Rules, site “means the same or geographically contiguous property which may be divided by a public or private right-of-way, provided that the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered site property.”

29. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person

generating a hazardous waste must file a notification with EPA (or the state, if the state's hazardous waste program has been approved) of its hazardous waste activity.

30. At the time of the Inspection, Respondent had not obtained a generator identification number specific for the site of waste generation at the Facility located at 9 Main Street, Hartland, Maine. Rather, from 2014, when Respondent became a large quantity generator at the Facility, until May 2016, Respondent had been using the generator identification number assigned to a non-contiguous facility formerly owned by the entity from which Respondent bought assets out of bankruptcy located at Rear Pleasant Street, Hartland, Maine, which is located approximately 0.4 miles away from the Facility.

31. As described above in Paragraph 20, on or about June 2, 2016, Respondent submitted a RCRA Subtitle C site identification form with the State of Maine for the Facility, and received a generator identification number specific for the site of waste generation at the Facility located at 9 Main Street, Hartland, Maine.

32. By failing to notify and obtain an identification number specific to the site of waste generation while generating hazardous waste at the Facility, Respondent violated Chapter 851, Section 6A of the Maine Rules and Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

**Count 2 - Failure to maintain a contingency plan**

33. Complainant realleges and incorporates by reference Paragraphs 1 - 32.

34. Pursuant to Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.52, a generator must have a contingency plan for its 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.

35. At the time of the Inspection, Respondent did not have a hazardous waste contingency plan for the Facility that met the requirements of 40 C.F.R. § 264.52. Rather, after the Inspection, Respondent informed EPA that it had a contingency plan for the Facility under development at the time of the Inspection, which Respondent adopted for the Facility in May 2016.

36. Respondent's failure to maintain a contingency plan for the Facility meeting the requirements of 40 C.F.R. § 264.52 from the time Respondent became subject to regulation as a large quantity generator at the Facility in 2014 until May 2016 was a violation of Chapter 851, Section 8B(5) of the Maine Rules.

**Count 3 - Failure of a Generator to Submit an Annual Report**

37. Complainant realleges and incorporates by reference Paragraphs 1 - 36.

38. Pursuant to Chapter 851, Section 9F of the Maine Rules, a generator who handles

his hazardous waste on the site of its generation shall submit an Annual Report covering those wastes including any universal wastes: (1) in accordance with the provisions of Chapter 854, Section 6C(11), which cross-references 40 C.F.R. § 264.75; (2) to the Maine Department of Environmental Protection (“Maine DEP”); (3) no later than March 1<sup>st</sup> for the preceding calendar year.

39. Chapter 851, Section 3D of the Maine Rules defines “handle” as “to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.”

40. Respondent handled hazardous waste on the site of its generation in calendar year 2015 by collecting and storing waste at the Facility that was generated at the Facility in 2015.

41. Respondent did not submit an Annual Report for its calendar year 2015 hazardous waste activities to the Maine DEP in accordance with Chapter 851, Section 9F of the Maine Rules until May 31, 2016.

42. Respondent’s failure to submit an Annual Report for its calendar year 2015 hazardous waste activities at the Facility to the Maine DEP by March 1, 2016, violated Chapter 851, Section 9F of the Maine Rules.

**Count 4 - Failure to Provide Waste Training Annual Review to  
Employees Managing Hazardous Waste**

43. Complainant realleges and incorporates by reference Paragraphs 1 – 42.

44. 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.

45. Pursuant to 40 C.F.R. § 264.16(a)(1), employees who manage hazardous waste 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.

46. Pursuant to 40 C.F.R. § 264.16(a)(2), 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. Pursuant to 40 C.F.R. § 264.16(a)(3), 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.

47. Pursuant to 40 C.F.R. § 264.16(b), 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.

48. Pursuant to 40 C.F.R. § 264.16(c), facility personnel must take part in an annual review of the initial training required under 40 C.F.R. § 264.16(a).

49. Pursuant to 40 C.F.R. § 264.16(d), the facility owner/operator must maintain records that document that training has been given to, and completed by, relevant facility personnel.

50. Based on information EPA received from Respondent after the Inspection, Respondent did not provide an annual review of hazardous waste training in 2015 to the following employees of Respondent who were responsible for managing hazardous waste at the Facility: Wayne Chasse, Facility Engineer – hazardous waste management, manifest signer, emergency coordinator; Mike Thompson, Chemical Inventory Clerk and Purchasing Clerk – hazardous waste management and manifest signer; Harold Lovejoy, Finish Mixer – hazardous waste management and inspections; Allen Plourde, Facility Trucking – hazardous waste management; Russell Bishop, Safety Coordinator – emergency coordinator; and Bob Braley, Maintenance Supervisor – emergency coordinator. At the time of the Inspection, Respondent also failed to maintain records that the 2015 annual review of hazardous waste training had been provided to all appropriate Facility employees.

51. By failing to ensure that all employees with hazardous waste management responsibilities received an annual review of hazardous waste training in 2015, and by failing to maintain records of such training, Respondent violated Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16.

**Count 5 - Failure to Conduct Adequate Hazardous Waste Determination**

52. Complainant realleges and incorporates by reference Paragraphs 1 – 51.

53. 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).

54. In December of 2015, Respondent shipped eighty-three (83) containers of non-hazardous waste liquid (vegetable oil) under a non-hazardous waste manifest, with waste tracking number 000077847, to Vexor Technology, Inc. (“Vexor”) in Medina, Ohio. Vexor received Respondent’s waste shipped under this non-hazardous waste manifest on December 14, 2015. Upon review of the wastes received, Vexor determined that one drum of the waste shipped by Respondent could not be accepted because it was an ignitable hazardous waste. In the “Discrepancy Indication Space,” section 17a, of non-hazardous waste manifest 000077847, Vexor marked a partial rejection and provided the following explanation of the discrepancies: “1 drum off spec due to flash. Drum will be rejected to Tradebe Treatment & Recycling per T. Zimmerman of Vexor and G Reppert of Univar.” Vexor prepared a uniform hazardous waste manifest, with manifest tracking number 008913667 FLE, on behalf of Respondent and shipped the drum of ignitable hazardous waste, with a quantity of 200 pounds, to Tradebe Treatment and Recycling, LLC in East Chicago, Indiana on January 4, 2016. The U.S. DOT description of the waste on the hazardous waste manifest prepared on behalf of Respondent included “Waste

Petroleum distillates,” and hazardous waste code “D001.” In the special handling instructions and additional information section of the hazardous waste manifest, the following information was included “15120156 – Describes Material from Manifest 000077847.” Accordingly, Respondent did not conduct an adequate hazardous waste determination for the waste contained in the drum sent by Vexor to Tradebe Treatment and Recycling, LLC using the hazardous waste manifest with manifest tracking number 008913667 FLE.

55. By failing to determine if the solid waste contained in the drum described in the hazardous waste manifest with manifest tracking number 008913667 FLE was a hazardous waste, Respondent violated Chapter 851, Section 5 of the Maine Rules.

**Count 6 - Failure to Place a “No Smoking” Sign Wherever  
There is a Hazard From Ignitable or Reactive Waste**

56. Complainant realleges and incorporates by reference Paragraphs 1 – 55.

57. Pursuant to Chapter 851, Section 13C(7)(c)(ii) of the Maine Rules, which incorporates by reference 40 C.F.R § 264.17(a), “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

58. Chapter 850, Section 4B(2)(b) of Maine Rules assigns waste code D001 to waste that exhibits the characteristic of ignitability, but is not listed as a hazardous waste in Section 4C of Chapter 850.

59. At the time of the Inspection, Respondent stored nine (9) 55-gallon containers, one 30-gallon container, and one 5-gallon container of hazardous waste in the hazardous waste storage area located in the basement of the Woolen Mill at the Facility. The labels on five (5)

55-gallon containers stored in the hazardous waste storage area indicated that they contained ignitable hazardous wastes, as each container was marked “Flammable – Toxic for Chrome,” in the EPA hazard name space, and the waste codes were listed as “D001/D007.” The Respondent did not post a “No Smoking” sign in the vicinity of the hazardous waste storage area at the Facility.

60. Respondent’s failure to place a “No Smoking” sign conspicuously in the hazardous waste storage area where there was a hazard from ignitable hazardous waste violated Chapter 851, Section 13C(7)(c)(ii) of the Maine Rules.

**Count 7 – Storage of Hazardous Waste Without a License**

61. Complainant realleges and incorporates by reference Paragraphs 1 - 60.

62. Pursuant to Section 5A of Chapter 856 of the Maine Rules, any person who proposes to own or operate a waste facility for hazardous waste must apply for and obtain a license prior to establishment, construction or operation of the facility.

63. There is an exemption to the license requirement set forth in Section 6A of Chapter 856 of the Maine Rules for generators of hazardous waste. Under Section 6A of Chapter 856 of the Maine Rules, generators of hazardous waste who accumulate hazardous waste on site for ninety (90) days or less, as provided in Chapter 851, Section 8B of the Maine Rules, are not required to obtain a license.

64. At the time of the Inspection, Respondent stored four (4) 55-gallon containers and one (1) 30-gallon container of hazardous waste in the Facility’s hazardous waste storage area that had been stored for more than ninety (90) days. On four containers of hazardous waste (three (3)

55-gallon containers and one (1) 30-gallon container), Respondent marked the accumulation start date (i.e., “full date”) as February 2, 2016 (i.e., each of these containers had been in storage for ninety-two (92) days). On one (1) 55-gallon container of hazardous waste, Respondent marked the accumulation start date (i.e., “full date”) as January 17, 2016 (i.e., the container had been in storage for one hundred and six (106) days).

65. Respondent’s storage of hazardous waste in the hazardous waste storage area of the Facility for more than ninety (90) days without a license violated Chapter 856, Section 5A of the Maine Rules.

**Count 8 – Failure to Store all Universal Waste in Containers**

66. Complainant realleges and incorporates by reference Paragraphs 1 - 65.

67. Pursuant to Chapter 858, Section 7F of the Maine Rules, generators of universal waste must store all universal wastes in containers. The containers must not show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The containers must be closed, structurally sound, compatible with the content of the waste, and must not be leaking, spilling, dented or damaged such that it could cause leakage under reasonably foreseeable conditions.

68. Chapter 858, Section 4Q of the Maine Rules defines “universal waste” to include, among other wastes, cathode ray tubes (“CRTs”) and lamps. Chapter 858, Section 4C defines “CRTs” as a product video display component of televisions, computer displays, military and commercial radar, and other display devices. Chapter 858, Section 4I defines “lamp” as a bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant

energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of lamps are fluorescent lamps, high intensity discharge lamps, neon lamps, mercury vapor lamps, high pressure sodium lamps and metal halide lamps. Lamps include both lamps that fail the Toxicity Characteristic Leaching Procedure (TCLP) and those that contain mercury but pass the TCLP.

69. Pursuant to Chapter 858, Section 7V of the Maine Rules, CRTs must also be managed in accordance with the following requirements: (1) pack CRTs in containers, boxes, gaylord, or another acceptable container method approved by the Department that will contain any breakage. CRTs must have packing materials adequate to prevent breakage during storage, handling and transportation; (2) seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur; (3) do not stack containers or boxes of CRTs more than five feet in height; (4) store CRTs in an inside, dry area not exposed to weather; (5) mark the container or box with the words "Waste Cathode Ray Tube"; (6) designate each waste CRT storage area by a clearly marked sign which states "Waste Cathode Ray Tube Storage" or "Universal Waste Storage."

70. Pursuant to Chapter 858, Section 7W of the Maine Rules, lamps must also be managed in accordance with the following requirements: (1) pack lamps in containers or boxes with packing materials adequate to prevent breakage during storage, handling and transportation; (2) seal securely, such as with tape, around the box openings of all full boxes and immediately if incidental breakage should occur; (3) do not stack containers or boxes of lamps more than five feet in height; (4) store lamps in an inside, dry area not exposed to weather; (5) mark the

container with the words “Waste Lamps”; (6) designate each waste lamp storage area by a clearly marked sign which states “Waste Lamp Storage” or “Universal Waste Storage.”

71. At the time of the Inspection, Respondent stored nine (9) eight-foot banded waste fluorescent lamps on a shelf above a table in the universal waste storage area of the Facility without containers or boxes or packing materials. Respondent stored other universal waste fluorescent lamps in containers above the non-containerized fluorescent lamps and on a table located under the shelf where the non-containerized fluorescent lamps were stored. Respondent also stored approximately eight (8) palletized cathode ray tubes (CRTs) in the universal waste storage area at the Facility without containers or boxes or packing materials.

72. Respondent’s failure to store universal waste in containers or boxes with packing materials violated Chapter 858, Sections 7F, 7V and 7W of the Maine Rules.

**Count 9 – Failure to Store Universal Waste Containers or Collection Containers With Adequate Aisle Space**

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

74. Pursuant to Chapter 858, Section 7N of the Maine Rules, generators of universal waste must store universal waste containers or collection containers with adequate aisle space to be able to inspect the condition of the containers and collection containers and determine the accumulation start dates and container and collection container full dates.

75. At the time of the Inspection, Respondent stored approximately eight (8) CRTs in the universal waste storage area on pallets and dollies that were located directly against a table that held containers of universal waste lamps with no aisle space to be able to adequately inspect

the containers of universal waste lamps or the CRTs and determine the accumulation start dates and container full dates.

76. Respondent's failure to store universal waste containers and CRTs with adequate aisle space to be able to inspect the condition of the containers and CRTs and determine the accumulation start dates and container full dates violated Chapter 858, Section 7N of the Maine Rules.

## **VI. PROPOSED PENALTY**

77. In determining the amount of any penalty to be assessed, Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 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 Complaint. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors identified above to a particular case.

78. By this Complaint, Complainant seeks to assess Respondent a total civil penalty of \$120,088.00. The calculation of the proposed penalty is explained in detail in Attachment 1 to this Complaint, and is summarized as follows:

1. Failure to notify and obtain a valid EPA identification number	\$ 36,701
2. Failure to have a contingency plan	\$ 36,701
3. Failure of generator to submit an annual report	\$ 15,495
4. Failure to provide employees annual review of hazardous waste training	\$ 18,147
5. Failure to conduct adequate hazardous waste determination	\$ 6,524

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6. Failure to place a "No Smoking" sign where there are ignitable wastes	\$ 1,630
7. Failure to have a license for storage of hazardous waste	\$ 1,630
8. Failure to store all universal waste in containers	\$ 1,630
9. <u>Failure to store universal waste containers with adequate aisle space</u>	<u>\$ 1,630</u>

Total Proposed Penalty \$ 120,088

79. Quick Resolution. Under Section 22.18(a) of EPA's Consolidated Rules of Practice, Respondent has the option of resolving this matter at any time by paying in full the penalty proposed in this 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 Complaint ("RCRA-01-2017-0054) 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:

Kevin Pechulis  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (OES 04-3)  
Boston, Massachusetts 02109-3912

### **VIII. COMPLIANCE ORDER**

80. 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, Respondent shall comply with the following requirements:

(b) Respondent shall annually, by March 1st, submit an Annual Report for its calendar year hazardous waste activities for the preceding year, in accordance with Chapter 851, Section 9F of the Maine Rules;

(c) Respondent shall provide annual hazardous waste training to all employees at the Facility with hazardous waste management responsibilities, and document the training, in accordance with Chapter 851, Section 8B(5) of the Maine Rules, which incorporates by reference 40 C.F.R. § 264.16;

(d) Respondent shall accumulate hazardous waste on site for ninety (90) days or less in accordance with the applicable requirements of Chapter 851, Section 8B of the Maine Rules, unless Respondent obtains a hazardous waste license from the State of Maine in accordance with Section 5A of Chapter 856 of the Maine Rules;

(e) Respondent shall store all universal waste in containers with adequate aisle space, in accordance with the applicable requirements of Chapter 858, Sections 7F, 7N, 7V, and 7W of the Maine Rules.

(f) Within forty-five (45) 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 80. Any notice of noncompliance with the requirements of Paragraph 80 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:

Donald MacLeod  
Environmental Engineer  
RCRA, EPCRA and Federal Programs Unit  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (OES 05-4)  
Boston, Massachusetts 02109-3912

(e) If Respondent fails to comply with the requirements of this Order within the time specified, Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461 note, Pub. L. 114-74, as well as 40 C.F.R. Part 19, provide for further enforcement action in which EPA may seek the imposition of additional penalties of up to \$57,391 for each day of continued noncompliance.

81. Upon receipt of a compliance order issued under RCRA Section 3008(a), 42 U.S.C. § 6928(b), 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), 42 U.S.C. § 6928(b), and 40 C.F.R. Part 22.

**IX. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER**

82. As provided by Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), Respondent has a right to request a hearing on the issues raised in this 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 Complaint must be incorporated in a written Answer filed with the Regional Hearing Clerk within thirty (30) days of receipt of this Complaint.** In its Answer, Respondent may contest any material fact contained in the Complaint. The Answer shall directly admit, deny, or explain each of the factual allegations contained in the 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 Complaint constitutes an admission of that allegation.

83. 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 thirty (30) days of receipt of the Complaint:

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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 Complaint.

84. 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 has been provided with the Complaint.

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

Kevin Pechulis  
Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100 (OES 04-3)  
Boston, Massachusetts 02109-3912  
[pechulis.kevin@epa.gov](mailto:pechulis.kevin@epa.gov)

86. If Respondent fails to file a timely answer to the 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 Complaint and a waiver of Respondent’s right to a hearing on such factual allegations.

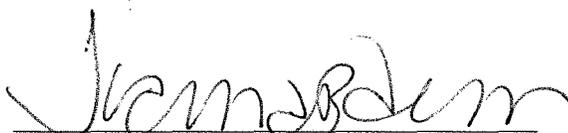
**X. SETTLEMENT CONFERENCE**

87. Whether or not a hearing is requested upon filing an answer, Respondent may confer informally with 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.

88. 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 Kevin Pechulis, Enforcement Counsel, at (617) 918-1612 or [pechulis.kevin@epa.gov](mailto:pechulis.kevin@epa.gov).

**XI. EFFECTIVE DATE**

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

 Date: 9/26/17  
Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
U.S. EPA, Region 1

**Attachment 1**  
**Explanation of Penalty Calculation**  
**In the Matter of Tasman Leather Group, LLC**  
**Hartland, Maine**

**Administrative Complaint**  
**EPA Docket No. RCRA-01-2017-0054**

The following discussion provides a justification for the proposed penalty against Tasman Leather Group, LLC (“Tasman”) for violations of certain requirements of the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 and the State of Maine Hazardous Waste Regulations. Tasman operates a facility located at 9 Main Street, Hartland, Maine (the “Facility”).

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.*, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461 note, Pub. L. 114-74, as well as 40 C.F.R. Part 19.

The following RCRA violations were documented during an EPA Compliance Evaluation Inspection conducted at the Facility on May 3, 2016 (the “Inspection”):

**Summary of Violations**

1. Failure to notify and obtain a valid EPA identification number

At the time of the Inspection, Tasman failed to notify and obtain an identification number specific to the site of waste generation before generating hazardous waste at the Facility located at 9 Main Street, Hartland, Maine.

**Penalty Assessment**

(a) Potential for Harm – Major

The failure to notify of hazardous waste activities and obtain an identification number violates a central and fundamental requirement of the RCRA regulatory program as it circumvents the extensive RCRA management process that involves the identification and tracking of hazardous waste generation, treatment and disposal. Failure to notify of hazardous waste activities and obtain an identification number creates a major potential for harm to the regulatory program. The failure to notify the regulatory agency makes it more likely that a generator is not subject to inspection or other oversight, resulting in possible mismanagement of hazardous waste. The potential for harm is major.

## USEPA

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

### (b) Extent of Deviation - Major

The failure to notify and obtain an identification number specific to the site of waste generation before generating hazardous waste substantially deviates from the regulatory requirement. The extent of deviation is major.

### (c) Penalty Assessment:

EPA has determined that Tasman's violation of this requirement warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty): \$40,779 - \$32,623

Penalty Amount Chosen - \$36,701 (The mid-point has been determined to be appropriate.)

**TOTAL PENALTY AMOUNT: \$36,701**

## 2. Failure to maintain a contingency plan

At the time of the Inspection, Tasman did not have a contingency plan. Tasman became subject to regulation as a large quantity generator of hazardous waste at the Facility in 2014. According to a June 24, 2016 letter sent to EPA by Pierce Atwood LLP concerning Respondent, and calculations based on Respondent's hazardous waste manifest records, Respondent changed its business practices in 2014 and became subject to regulation as a large quantity generator ("LQG") of hazardous wastes under the Maine Rules at that time, and operated as a LQG through the date of the Inspection. Tasman did not complete the preparation of, and maintain for the Facility, a hazardous waste contingency plan until after the Inspection in May 2016.

### **Penalty Assessment**

#### (a) Potential for Harm - Major

The function of a contingency plan is to establish a framework for making management decisions during an emergency. 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. This violation increased the potential that facility personnel would not effectively recognize, assess and respond to an incident in a manner that minimizes the potential impact to human health and the environment. This violation also increased the potential that facility personnel would not be able to communicate the potential risks to affected employees and the public. Failure to have a contingency plan represents a substantial potential risk to human health and the environment.

Having a contingency plan is a fundamental element of the RCRA Program. Without a contingency plan, the Facility avoided developing and maintaining a clear plan for emergency responders, employees and notification in the case of an emergency. This failure to have a contingency plan posed a substantial threat to the regulatory program. The potential for harm is major.

## USEPA

Penalty summary – Tasman Leather Group, LLC, Hartland, ME

### (b) Extent of Deviation – Major

Tasman failed to maintain a contingency plan for the Facility from 2014 until May 2016. As such, this represented a substantial deviation from the regulatory requirement. The extent of deviation is major.

### (c) Penalty Assessment:

EPA has determined that Tasman's violation of this requirement warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty): \$40,779 - \$32,623

Penalty Amount Chosen - \$36,701 (The mid-point has been determined to be appropriate.)

**TOTAL PENALTY AMOUNT: \$36,701**

### 3. Failure of generator to submit an annual report

Tasman failed to submit an annual report for its calendar year 2015 hazardous waste activities at the Facility to the Maine Department of Environmental Protection ("Maine DEP") by March 1, 2016. Rather, Tasman submitted its 2015 hazardous waste annual report after the Inspection on May 31, 2016.

#### **Penalty Assessment**

##### (a) Potential for Harm – Moderate

The purpose of an annual report is to identify facility activities during the previous calendar year, and to prepare and submit annual information on a generator's progress towards meeting the hazardous waste reduction goals specified in the Maine Toxics Use Reduction Act. Failure to prepare and submit an annual report poses potential harm because the generator may not be adequately tracking the types and amounts of hazardous waste it generates and looking for opportunities to reduce its generation of hazardous waste.

Without an annual report, the Facility avoided regulatory oversight because regulators would not know about the types and quantities of hazardous waste generated at the Facility. Failure to provide an annual report posed significant harm to the regulatory program.

Because Tasman submitted hazardous waste manifests, some information regarding hazardous waste was prepared and submitted to the Maine DEP for the Facility. Accordingly, the potential for harm is moderate.

## USEPA

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

### (b) Extent of Deviation – Major

At the time of the Inspection, Tasman had not submitted the 2015 Annual Report. As such, this represented a substantial deviation from the requirement. The extent of deviation is major.

### (c) Penalty Assessment

EPA has determined that Tasman's violation of this requirement warrants a classification of Moderate/Major.

Matrix Cell Range (gravity-based penalty): \$17,941 - \$13,049.

Penalty Amount: \$15,495 (The mid-point has been determined to be appropriate.)

**TOTAL PENALTY AMOUNT: \$15,495**

#### 4. Failure to provide annual review of hazardous waste training to employees managing hazardous waste

Tasman failed to ensure that all employees with hazardous waste management responsibilities at the Facility had received an annual review of hazardous waste training in 2015. In 2015, the following personnel had hazardous waste management duties at the Facility but did not receive annual review training: Wayne Chasse (hazardous waste management, manifest signer, emergency coordinator), Mike Thompson (hazardous waste management and manifest signer), Harold Lovejoy (hazardous waste management and inspections), Allen Plourde (hazardous waste management), Russell Bishop (emergency coordinator), and Bob Braley (emergency coordinator).

### Penalty Assessment

#### (a) Potential for Harm – Moderate

Employees who manage hazardous waste as part of their normal job duties must be properly trained and must receive initial and annual refresher training. The training of these personnel is an essential part of a proper hazardous waste management program. The failure to provide training is a serious violation because the knowledge of how to handle hazardous waste is developed and maintained through adequate training. Inadequate training increases the likelihood of mismanagement, release or worker exposure.

The failure to properly train employees poses regulatory harm because the regulatory agencies cannot be assured that employees are prepared to manage the hazardous waste at the Facility and to adequately respond to an emergency involving hazardous waste.

Since Tasman provided hazardous waste training in 2014 and had scheduled, and presented, training in 2016, the potential for harm is moderate.

## USEPA

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

### (b) Extent of Deviation - Moderate

Tasman provided hazardous waste training to personnel in 2014 and 2016, but did not provide annual refresher training in 2015. This represented a significant deviation from the requirement. The extent of deviation is moderate.

### (c) Penalty Assessment

EPA has determined that Tasman's violation of this requirement warrants a classification of Moderate/Moderate.

- (1) Matrix Cell Range (gravity-based penalty): \$13,048 - \$8,156.  
Penalty Amount: \$10,602 (The mid-point has been determined to be appropriate.)
- (2) Multiple/Multi-day Assessment

There were multiple violations of this requirement. Each of the six (6) Tasman employees with hazardous waste management responsibilities at the Facility in 2016 failed to receive annual refresher training. Multiple penalties are being sought for instances 2 through 6 of failure to train. In accordance with page 22 of the 2003 RCRA Civil Penalty Policy, the Region has chosen to apply the multi-day / multi-event matrix for each violation after the first, rather than assessing a full gravity based penalty because Tasman repeatedly violated the same requirement for each of six (6) employees.

Matrix Cell Range (Multi-day / Multi-event penalty): \$2,610-\$408

Mid-point multiple = \$1,509 x 5 = \$7,545 (The mid-point has been determined to be appropriate.)

Penalty Amount \$7,545.

**TOTAL PENALTY AMOUNT: \$18,147**

### 5. Failure to conduct adequate hazardous waste determination

In December 2015, Tasman shipped eighty-three (83) containers of waste under a non-hazardous waste manifest to Vexor Technology, Inc. ("Vexor") in Medina, Ohio. Upon review of the wastes received, Vexor determined that one container of the waste shipped by Tasman could not be accepted because it was an ignitable hazardous waste. Vexor prepared a uniform hazardous waste manifest on behalf of Tasman and shipped the drum of ignitable hazardous waste to Tradebe Treatment and Recycling, LLC in East Chicago, Indiana on January 4, 2016. The U.S. DOT description of the waste on the hazardous waste manifest prepared on behalf of Tasman included "Waste Petroleum distillates," and hazardous waste code "D001." Accordingly, Tasman failed to conduct a hazardous waste determination for the waste contained in the drum sent by Vexor to Tradebe Treatment and Recycling, LLC on January 4, 2016.

**Penalty Assessment**

(a) Potential for Harm – Moderate

The purpose of the waste determination regulation is to identify those wastes that should be subject to appropriate management requirements under Subtitle C of RCRA because of the hazards they may pose in handling, transit, treatment, storage or disposal. The proper management of hazardous wastes from “cradle to grave” is essential to environmental and human health protection and begins with the identification of each hazardous waste stream generated by facility operations. The proper determination of solid wastes generated and/or stored on-site is essential to a generator’s waste management program. This failure to determine if wastes are hazardous and to determine the types of hazards associated with each waste stream stored on-site poses a risk of exposure to humans and/or environmental receptors due to the potential for improper handling, transit, storage, treatment and disposal of these wastes.

The 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. Without hazardous waste identification, waste materials could be neglected and/or stored in uncontrolled areas where emergency responders, inspectors and facility personnel might not recognize associated hazards, increasing the likelihood for mismanagement, improper disposal, or release to the environment.

Because only one container of waste was mischaracterized, and it was ultimately shipped for proper disposal, the potential for harm to human health and/or the environment is moderate.

(b) Extent of Deviation – Minor

In December 2015, Tasman shipped 83 containers of waste for disposal. Because only one container of the 83 containers shipped was not properly characterized, and all of the containers stored in the Facility’s hazardous waste storage area at the time of the Inspection were properly characterized, the extent of deviation is minor.

(c) Penalty Assessment

EPA has determined that Tasman’s violation of this requirement warrants a classification of Moderate/Minor.

Matrix Cell Range (gravity-based penalty): \$8,154 - \$4,893.

Penalty Amount: \$6,524 (The mid-point has been determined to be appropriate.)

**TOTAL PENALTY AMOUNT: \$6,524**

**USEPA**

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

6. Failure to place a “No Smoking” sign conspicuously wherever there is a hazard from ignitable or reactive waste

At the time of the Inspection, Tasman failed to place a “No Smoking” sign conspicuously in the Facility’s hazardous waste storage area (“HWSA”) where there was a hazard from ignitable hazardous waste being stored. Ignitable hazardous wastes accumulating in the Facility’s hazardous waste storage area at the time of the Inspection included five (5) 55-gallon drums, each marked “Flammable – Toxic for Chrome” and “Waste Codes D001/D007.”

**Penalty Assessment**

- (a) Potential for Harm – Minor

Failure to post a “No Smoking” sign poses risk of harm to human health and/or the environment. At the time of the Inspection, Tasman had no “No Smoking” sign at the HWSA. There is no exemption for a facility with a no smoking environment. The fact that Tasman’s entire Facility is a no-smoking facility may not fully address the human and environmental safety concerns to prevent the exposure of ignitable wastes to “open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, spontaneous ignition, and radiant heat.”

Because the Facility is a no smoking facility and there is no equipment or processes near the Facility’s hazardous waste storage area to allow for open flames, cutting and welding, hot surfaces, frictional heat, sparks, spontaneous ignition, or radiant heat, the potential for harm is minor.

- (b) Extent of Deviation - Moderate

At the time of the Inspection, Tasman had no “No Smoking” sign posted at the Facility’s HWSA. Because Tasman had a no smoking policy for the entire Facility, the extent of deviation is considered to be moderate.

- (c) Penalty Assessment

EPA has determined that Tasman’s violation of this requirement warrants a classification of Minor/Moderate.

Matrix Cell Range (gravity-based penalty): \$2,445 - \$816.

Penalty Amount: \$1,630 (The mid-point has been determined to be appropriate).

**TOTAL PENALTY AMOUNT: \$1,630**

7. Storage of hazardous waste without a license

At the time of the Inspection, Tasman stored four (4) 55-gallon containers and one (1) 30-gallon container of hazardous waste in the Facility's hazardous waste storage area that had been stored for more than ninety (90) days. On four containers of hazardous waste (three (3) 55-gallon containers and one (1) 30-gallon container), Tasman marked the accumulation start date (i.e., "full date") as February 2, 2016 (i.e., each of these containers had been in storage for ninety-two (92) days). On one (1) 55-gallon container of hazardous waste, Tasman marked the accumulation start date (i.e., "full date") as January 17, 2016 (i.e., the container had been in storage for one hundred and six (106) days). Tasman's storage of hazardous waste in the hazardous waste storage area of the Facility for more than ninety (90) days without a license violated the Maine Rules.

**Penalty Assessment**

(a) Potential for Harm – Minor

Storage of hazardous waste for greater than ninety days without obtaining a license poses a significant potential for harm to human health and/or the environment since many of the regulatory programs implemented during the development, public notice and comment period, and issuance of a permit designed to protect human health and the environment (such as financial assurance, hazardous waste closure plans and waste analysis plans) are not in place. Consequently, storage of hazardous waste for greater than ninety days without obtaining a permit violates a central and fundamental requirement of the RCRA regulatory program.

The longer wastes are stored, the greater the likelihood of contamination/release or accidents due to leaks or spills. At the time of the Inspection, Tasman stored four (4) 55-gallon containers and one (1) 30-gallon container more than ninety (90) days. Three of the 55-gallon containers and the one (1) 30-gallon container were dated February 2, 2016 (92 days in storage). One 55-gallon container was dated January 17, 2016 (106 days in storage). Because the containers were in good condition and weekly inspections were completed, the potential for harm is mitigated.

Accordingly, the potential for harm is minor.

(b) Extent of Deviation - Moderate

Because four (4) containers were in storage for two (2) days greater than ninety and one container was stored for sixteen (16) days more than ninety, this represented a significant deviation from the requirements. Accordingly, the extent of deviation is moderate.

**USEPA**

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

(c) Penalty Assessment

EPA has determined that Tasman’s violation of this requirement warrants a classification of Minor/Moderate.

Matrix Cell Range (gravity-based penalty): \$2,445 - \$816.

Penalty Amount: \$1,630 (The mid-point has been determined to be appropriate.)

**TOTAL PENALTY AMOUNT: \$1,630**

8. Failure of a generator to store universal wastes in containers

At the time of the Inspection, Tasman stored nine (9) 8-foot banded waste fluorescent lamps on a shelf in the universal waste storage area of the Facility without containers or boxes or packing materials. Tasman also stored approximately twenty (20) boxes of containerized universal waste lamps in the universal waste storage area at the time of the Inspection. Tasman stored approximately eight (8) palletized cathode ray tubes (CRTs) in the universal waste storage area without containers or boxes or packing materials.

**Penalty Assessment**

(a) Potential for Harm – Minor

At the time of the Inspection, nine (9) 8-foot, banded, waste fluorescent lamps were being stored with no containers on a shelf in the universal waste storage area. Eight (8) palletized CRTs in the universal waste storage area were also being stored with no containers. Failure of a generator to store all universal waste in containers increases the likelihood of contamination or release due to breakage and potential exposure of personnel or inspectors. Also, the fact that the fluorescent lamps were stored on a shelf above the ground created an increased potential that the lamps would break and that mercury could be released. Because the universal waste storage area was in a locked, fenced-in area, the non-containerized universal waste lamps were banded, and the waste CRTs were stored on pallets and dollies, the potential for harm is mitigated. Accordingly, the potential for harm is minor.

(b) Extent of Deviation - Moderate

Tasman stored the CRTs on dollies and the nine (9) banded, universal waste lamps on a shelf in the universal waste storage area. This represents a significant deviation from the requirements. Accordingly, the extent of deviation is moderate.

(c) Penalty Assessment

EPA has determined that Tasman’s violation of this requirement warrants a classification of Minor/Moderate.

Matrix Cell Range (gravity-based penalty): \$2,445 - \$816.

Penalty Amount: \$1,630 (The mid-point has been determined to be appropriate.)

## USEPA

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

### 9. Failure of a generator to store universal waste containers with adequate aisle space

At the time of the Inspection, Tasman stored approximately eight (8) CRTs in the universal waste storage area on pallets and dollies that were located directly against a table that held containers of universal waste lamps with no aisle space to be able to adequately inspect the containers of universal waste lamps or the CRTs and determine the accumulation start dates and container full dates.

#### **Penalty Assessment**

##### (a) Potential for Harm – Minor

Failure of a generator to store universal waste containers or collection containers with adequate aisle space obstructs movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to this area of the Facility in an emergency. Also, inadequate aisle space does not allow room for inspection. At the time of the Inspection, eight (8) CRTs in the universal waste storage area were being stored on pallets and dollies with no aisle space to adequately inspect the CRTs or the containers of universal waste lamps stored on the adjacent table.

Failure of a generator to store universal waste containers or collection containers with adequate aisle space increases the likelihood of impeded access to allow for inspection, and thus poses potential harm. Since approximately half of the universal waste (CRTs and universal waste lamps combined) being stored in the universal waste storage area were accessible with adequate aisle space, and the dollies with CRTs on them were potentially moveable, this mitigated the harm. Accordingly, the potential for harm is minor.

##### (b) Extent of Deviation – Moderate

Since the CRTs were on dollies, the aisle space could potentially be accommodated. This represented a significant deviation from the requirement. Accordingly, the extent of deviation is moderate.

##### (c) Penalty Assessment

EPA has determined that Tasman's violation of this requirement warrants a classification of Minor/Moderate.

Matrix Cell Range (gravity-based penalty): \$2,445 - \$816.

Penalty Amount: \$1,630 (The mid-point has been determined to be appropriate.)

**USEPA**

Penalty summary –Tasman Leather Group, LLC, Hartland, ME

**PENALTY SUMMARY**

1. Failure to Notify and Obtain a Valid EPA Identification Number	\$ 36,701
2. Failure to Have a Contingency Plan	\$ 36,701
3. Failure of Generator to Submit an Annual Report	\$ 15,495
4. Failure to Provide Employees Annual Review of Hazardous Waste Training	\$ 18,147
5. Failure to Conduct Adequate Hazardous Waste Determination	\$ 6,524
6. Failure to Place a “No Smoking” Sign Where There Are Ignitable Wastes	\$ 1,630
7. Storage of Hazardous Waste Without a License	\$ 1,630
8. Failure to Store Universal Waste in Containers	\$ 1,630
<u>9. Failure to Store Universal Waste Containers with Adequate Aisle Space</u>	<u>\$ 1,630</u>
Total Proposed Penalty	\$ 120,088

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing was delivered in the following manner to the addresses listed below:

Original and One Copy by  
Hand Delivery to:

Wanda I. Santiago  
Regional Hearing Clerk  
EPA Region 1 – New England  
5 Post Office Square, Suite 100 (ORC04-6)  
Boston, MA 02109-3912

One Copy (with Part 22 Rules  
enclosed) by Certified Mail  
Return Receipt Requested to:

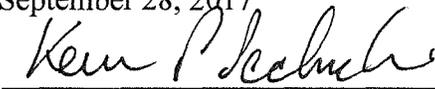
Norman Tasman, President  
Tasman Leather Group, LLC  
930 Geiger Street  
Louisville, KY 40206

One Copy (with Part 22 Rules)  
by overnight delivery to:

Kenneth F. Gray, Esq.  
Pierce Atwood, LLP  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

Date: September 28, 2017

Signed:



Kevin P. Pechulis  
Enforcement Counsel  
Office of Environmental Stewardship (OES04-3)  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
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