DISPERSIONS & CHEMICAL SPECIALTIES

DANIEL PRODUCTS COMPANY

an affiliate of the SYNRES group of companies

400 Claremont Avenue, Jersey City, New Jersey 07304

APR 25 1985 4D

~~Chojnowski~~

RCRA-85-0105

Tom Solecki

22 April 1985

Ms. Kathleen Chojnowski
Legal Assistant
Waste & Toxic Substances Branch
U.S. Environmental Protection Agency
Region 11, 26 Federal Plaza
New York, New York 10278

Re: Docket No.: II RCRA-85-0105
EPA ID. NO. NJD001340686

Dear Ms. Chojnowski:

Herewith, like to confirm our telephone conversation of earlier today during which I requested and received from you an informal extension of our settlement date to 21 May 1985.

We have also agreed on a tentative date for an informal hearing at your office for 11 A.M., 14 May 1985.

Sincerely yours,

Klaus Meinssen

Klaus Meinssen
Vice President, Administration

KM:ab

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JUN 5 1985

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

Mr. Klaus Meinssen
Vice President, Administration
Daniel Products Company
400 Claremont Avenue
Jersey City, New Jersey 07304

NJD 001 340 686

Re: In the Matter of Daniel Products Company
Proceeding Under Section 3008 of the Resource Conservation and Recovery Act
Docket No. II RCRA-85-0105

Dear Mr. Meinssen:

Please find enclosed the original and one copy of the Consent Agreement and Consent Order I have prepared for this case. Please have the appropriate corporate official sign both copies and return them to me within fifteen (15) days of receipt.

Mr. Simon and Mr. Daggett of this Agency will then sign, and I will return a copy of the fully executed Order to you. Daniel Products Company will then have sixty (60) days from receipt of the executed Order in which to remit a cashier's or certified check in payment of the civil penalty as specified on page 4, paragraph 2 of the Order.

If there are any questions, please feel free to contact my office at (212) 264-5342.

Sincerely yours,

Kathleen J. Chojnowski
Legal Assistant
Waste and Toxic Substances Branch
Office of Regional Counsel

Enclosures

bcc: Stan Seigel, 2AWM-SW
Thomas Solecki, 2AWM-SW

4D

6-28-85

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

In the Matter of DANIEL PRODUCTS COMPANY Jersey City, New Jersey 07304 NJD001340686 Respondent. Proceeding Under Section 3008 of the Resource Conservation and Recovery Act, as amended.	CONSENT AGREEMENT AND CONSENT ORDER Docket No. II RCRA-85-0105

PRELIMINARY STATEMENT

This administrative proceeding was instituted pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 ("RCRA") and the Hazardous and Solid Waste Disposal Act of 1984 (HSWA), 42 U.S.C. §6901 et seq.

Section 3006(b) of RCRA, 42 U.S.C. §6926(b), provides that the Administrator of the U.S. Environmental Protection Agency ("EPA") may, if certain criteria are met, authorize a State to operate a hazardous waste program in lieu of the federal program. The Administrator authorized the State of New Jersey to operate a program in lieu of the federal program on February 2, 1983. Section 3008 of RCRA, 42 U.S.C. §6928, authorizes EPA to enforce the provisions of the authorized State program.

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The Director of the Air and Waste Management Division of the EPA, Region II, Complainant in this proceeding, issued a Complaint, Compliance Order, and Notice of Opportunity for Hearing to Respondent, DANIEL PRODUCTS COMPANY on March 29, 1985. Said document charged Respondent with certain violations of the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E et seq., and the regulations promulgated thereunder, as follows:

1. Respondent owns and operates a facility located at 400 Claremont Avenue, Jersey City, New Jersey ("the facility").

2. By notification dated August 15, 1980, Respondent informed EPA that it conducts activities at the facility involving "hazardous waste," as the term is defined in Section 1004(5) of RCRA, 42 U.S.C. §6903(5) and in 40 CFR §261.3. By application dated November 19, 1980, Respondent requested a permit to conduct its hazardous waste activities.

3. N.J.A.C. Title 7, Chapter 26, sets standards for hazardous waste treatment, storage and disposal facilities.

4. N.J.A.C. 7:26-9.8 requires the owner or operator of a hazardous waste treatment, storage or disposal facility to prepare and maintain at the facility a copy of a plan to close the facility in a manner that minimizes or eliminates the post-closure escape of hazardous waste or waste constituents. This section also sets forth elements that must be included in a closure plan.

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5. N.J.A.C. 7:26-9.10 requires that the owner or operator of a hazardous waste facility have a written estimate of the costs of closing the facility. This section also sets forth elements that must be included in the cost estimate.

6. Section 3007 of RCRA, 42 U.S.C. §6927, allows EPA to request certain information from parties that handle hazardous waste. On or about February 7, 1985, EPA requested the Respondent to submit a copy of the closure plan and cost estimate.

7. On or about February 14, 1985, the Respondent submitted a copy of the closure plan/cost estimate to EPA. EPA's review of the closure plan/cost estimate established that Respondent did not provide sufficient information to meet the requirements of N.J.A.C. 7:26-9.8 and 9.10, respectively. The outstanding deficiencies and/or omissions were delineated in Exhibit A of the Complaint.

8. After the Complaint was filed, the Respondent submitted an amended closure plan and cost estimate to EPA on April 17, 1985. EPA's review of said documents established that Respondent still did not provide sufficient information to meet the requirements of N.J.A.C. 7:26-9.8.

9. Respondent met with EPA on May 14, 1985. During this meeting Respondent provided EPA with a second amended closure plan as well as arguments and information supportive of a modification of the proposed penalty.

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CONSENT AGREEMENT

Based upon the foregoing, and pursuant to Section 3008 of RCRA, and Section 22.18 of the Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR §22.18, it is hereby agreed as follows:

1. Respondent shall hereinafter comply with all relevant regulations at N.J.A.C. Title 7, Chapter 26. In particular, should Respondent's facility change its operating plans, facility design, or year of closure, the closure/post closure plan and associated cost estimate shall be amended within sixty (60) days of such changes pursuant to N.J.A.C. 7:26-9.8(f)(1).

2. Respondent shall pay, by cashier's or certified check, a civil penalty for the violations cited herein in the amount of two thousand dollars ($2,000.00), payable to the Treasurer, United States of America, within sixty (60) calendar days of receipt of a signed and executed copy of this Consent Agreement and Consent Order. This payment shall be remitted to EPA - Region II, (Regional Hearing Clerk), P.O. Box 360188M, Pittsburgh, Pennsylvania 15251.

a. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Attorney for collection.

b. Furthermore, if payment is not received by the date established herein, interest will be assessed on the overdue

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payment for each thirty day period or portion thereof until payment is received. Interest charges will be based on the current value of funds to the U.S. Treasury at the time when the Order is issued. Interest will be assessed until payment is received.

3. This Consent Agreement is being entered into by the parties in full settlement of all liabilities which might have attached as a result of the proceedings. Respondent has read the foregoing Agreement, believes it to be reasonable, and consents to its issuance and its terms. Respondent admits the jurisdictional allegations and neither admits nor denies the specific factual allegations contained in the Complaint. Furthermore, Respondent explicitly waives its right to request a hearing on this matter, and agrees to pay the penalty called for in paragraph 2 above.

RESPONDENT: BY: Klaus Kleinklein V.P.
For DANIEL PRODUCTS COMPANY

DATE: June 11, 1985

COMPLAINANT: William D Baker for
CONRAD SIMON
Director
Air and Waste Management Division
U.S. Environmental Protection Agency, Region II

DATE: 6/27/85

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CONSENT ORDER

The Regional Administrator of EPA, Region II, concurs in the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved and issued, effective immediately.

Christopher J. Daggett

CHRISTOPHER J. DAGGETT
Regional Administrator
U.S. Environmental Protection
Agency, Region II
26 Federal Plaza
New York, New York 10278

DATE: June 26, 1985

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JUN 28 1985

CERTIFIED MAIL --
RETURN RECEIPT REQUESTED

Mr. Klaus Meinssen
Vice President, Administration
Daniel Products Company
400 Claremont Avenue
Jersey City, New Jersey 07304

Re: In the Matter of Daniel Products Company
Docket No. II RCRA-85-0105

Dear Mr. Meinssen:

Enclosed is a copy of the Consent Agreement and Consent Order in the above-referenced proceeding, signed by the Regional Administrator of the U.S. Environmental Protection Agency.

By this letter, I am acknowledging receipt of your certified check in the amount of two thousand dollars ($2,000) payable to the Treasurer, United States of America. Your penalty check is being forwarded to the address specified on page 5 of enclosed Order.

Thank you for your cooperation.

Sincerely yours,

Kathleen J. Chojnowski
Legal Assistant
Waste and Toxic Substances Branch
Office of Regional Counsel

Enclosure

cc: Gerard Burke, Esq
Office of Regulatory Services,
New Jersey Department of
Environmental Protection

bcc: Laura Livingston, 2PM-PA
Tom Solecki 2AWM-SW
Sandy Crystal (WH-527)
Ronald Gherardi, OPM-FIN-934
Nereida Tirado, RHC