UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

March 22, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Raymond McGee
7 Pine Ledge Road
Brant Lake, NY 12815

RE: EPA Action Under Toxic Substances Control Act – Notice of Opportunity

Dear Mr. McGee:

I write with respect to the Ansonia Copper and Brass, Inc. ("Ansonia") facility at 75 Liberty Street, Ansonia, Connecticut (the "facility"), and the facility's compliance with regulations relating to polychlorinated biphenyls ("PCBs"), codified at 40 C.F.R. Part 761 and promulgated under the authority of Section 6 of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2605 (the "Regulations").

Based on information received as a result of inspections conducted on April 13, 2016, and October 11, 2016, by the Connecticut Department of Energy and Environmental Protection ("CTDEEP"), which was acting as a representative of the United States Environmental Protection Agency ("EPA"), EPA's September 15, 2016 Preliminary Notice of Noncompliance to Ansonia, and other regulatory documentation, EPA believes that at the time of the CTDEEP inspections Ansonia was in violation of the Regulations. Specifically, EPA believes that Ansonia was not in compliance with regulations governing PCB use authorization per 40 CFR 761.30, marking areas of storage for disposal of PCB Items at the facility per 40 CFR § 761.40, improper disposal of PCBs per 40 CFR § 761.60, improper storage for disposal of PCB Items per 40 CFR § 761.65, EPA identification numbers per 40 CFR § 761.202, notification of PCB waste activity per 40 C.F.R. § 761.205, and recordkeeping per 40 CFR §761.180. More information concerning these violations is contained in EPA's September 15, 2016, Preliminary Notice of Noncompliance, a copy of which is enclosed.

Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above-cited Regulations. Consistent with the provisions set forth in EPA's Enforcement

Response Policies for violations of TSCA, the EPA may assess a penalty of up to $38,114 per day for each violation.

In light of the foregoing, EPA plans to pursue administrative enforcement against Ansonia under TSCA. However, prior to issuing a unilateral administrative complaint in this matter, EPA is offering Ansonia the opportunity to discuss settlement of this matter with EPA, and potentially to resolve this action pursuant to an EPA Consent Agreement and Final Order. Based on the information EPA has received, EPA believes that resolution of this matter will require, among other requirements, payment of a civil penalty by Ansonia, a commitment by Ansonia to implement an approved equipment removal plan to address the existing transformers and capacitors at the facility, a commitment to characterize the extent of PCB contamination at the facility and implement an approved cleanup plan to address that contamination, and to comply with all regulations going forward. Prior to specifying proposed settlement terms, though, EPA is offering Ansonia the opportunity to meet with EPA to explain any pertinent information from Ansonia's perspective, or from your review of EPA's Enforcement Response Policies, information that EPA should take into account in an enforcement action, including any ability to pay discussions you may wish to have with the Agency. In the event ability to pay is an issue you are interested in discussing, enclosed is a list of the documents you would ultimately have to produce to EPA for our financial analyst to review an ability to pay claim.

In connection with this, I have enclosed the May, 2015, *U.S. EPA Small Business Resource Information Sheet.* The Information Sheet is designed to help small businesses understand and comply with federal and state environmental laws.

If Ansonia would like to meet with EPA prior to EPA filing an enforcement action in this matter, please contact, or have your attorney contact, Cynthia Catri, Senior Enforcement Counsel, at catri.cynthia@epa.gov, or 617-918-1888, within the next 15 days.

Sincerely,

for:

Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship

Enclosures

Preliminary Notice of Noncompliance dated September 15, 2916
U.S. EPA PCB Penalty Policy

List of Required Documents for Evaluating Ability to Pay Claims
U.S. EPA Small Business Resource Information Sheet

cc (via email):

Cynthia Catri, EPA Senior Enforcement Counsel catri.cynthia@epa.gov
Marianne Milette, EPA PCB Enforcement Coordinator
milette.marianne@epa.gov