Failure to follow Spill Clean Up Policy - Subpart G is not a violation of those parts (761.120 - 761.135) per se.

Failure to follow Spill Clean up Policy constitutes improper disposal under 761-60.

already alleged improper disposal for the spill in 1990 CAA TSCA-V-C-35-90

Marion paid the full penalty of $25,500 there was no informal settlement to discuss remediation of the violations including proper cleanup of the spill.

we decided to ask Marion about cleanup prior to issuing the new CAA TSCA-V-C-087-93. We were considering including an improper disposal count so - Connell ltr of 6/29/93

Marion replied to Connell letter on 7/6/93 Reported that hot spot C-S1 1400 ppm had been excavated 7.6' x 7.6' x 1'.

Jone