UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

In the Matter of:	)	EPA Docket No. RCRA-01-2018-0068
Polycarbon Industries, Inc. 9 Opportunity Way Newburyport, Massachusetts 01950	)	**COMPLAINT, COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING**
Respondent	)	
Proceeding under Section 3008(a) of the Resource Conservation Recovery Act, 142 U.S.C. § 6928(a)	)	

I. INTRODUCTION

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 of 1984 (hereinafter, "RCRA"), 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 ("Part 22"). Respondent, Polycarbon Industries, Inc. ("Respondent"), is hereby notified that the United States Environmental Protection Agency, Region 1 ("EPA") has determined that Respondent violated Sections 3002 and 3005 of RCRA, 42 U.S.C. §§ 6922 and 6925, 40 C.F.R. Parts 262 and 265, Chapter 21C of the Massachusetts General Laws, and the Massachusetts Hazardous Waste Management Regulations, 310 CMR 30.000 *et seq.* EPA also provides notice of Respondent's opportunity to request a hearing.

II. NATURE OF ACTION

2. This is an action under RCRA, 42 U.S.C. §§ 6901-6987, to obtain compliance with RCRA and the hazardous waste regulations promulgated to implement RCRA and to seek civil penalties under Sections 3008(a) and (g) of RCRA, 42 U.S.C. §§ 6928(a) and (g), for violations of RCRA and its implementing regulations.

3. Notice of commencement of this action has been given to the Commonwealth of Massachusetts ("Massachusetts") pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

III. STATUTORY AND REGULATORY FRAMEWORK

4. In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. RCRA Subtitle C, 42 U.S.C. § 6921 *et seq.*, empowers EPA to identify and list hazardous wastes. It also authorizes EPA to regulate hazardous waste generators, transporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. EPA has promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270.

5. Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, EPA promulgated regulations to define what materials are "solid wastes," and of these solid wastes, what wastes are regulated as "hazardous wastes." These regulations are set forth at 40 C.F.R. Part 261.

6. Section 3002 of RCRA, 42 U.S.C. § 6922, required EPA to establish standards applicable to generators of hazardous wastes. These standards are codified at 40 C.F.R. Part 262, and relate to such matters as determining whether a waste is hazardous, container management, labeling and dating containers, inspecting waste storage areas, training, and planning for emergencies.

7. Section 3005 of RCRA, 42 U.S.C. § 6925, required EPA to establish standards requiring owners or operators of a hazardous waste treatment, storage or disposal facility to obtain an operating permit.

8. In 1984, Congress substantially amended RCRA with the Hazardous and Solid Waste Amendments ("HSWA") to, among other things: (a) restrict the disposal of hazardous wastes on the land or in landfills; and (b) change the method for determining whether wastes are toxic (and therefore hazardous); and (c) establish air emission standards for hazardous waste tanks, surface impoundments and containers. RCRA Section 3004(c)-(p), 42 U.S.C. § 6924(c)-(p).

9. On June 21, 1990 (for 40 C.F.R. Part 265, Subpart BB) and December 6, 1994 (for 40 C.F.R. Part 265, Subpart CC), EPA published final rules establishing air standards to reduce organic emissions from hazardous waste management activities, 55 Fed. Reg. 25512 (1990) and 59 Fed. Reg. 62896 (1994), respectively, under the authority of HSWA, in accordance with Section 3004(n) of RCRA, 42 U.S.C. § 6924(n).

10. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer its hazardous waste program in lieu of the federal program when the Administrator deems the state program to be equivalent to the federal program.

11. The Commonwealth of Massachusetts received final authorization to implement its base hazardous waste management program on January 24, 1985, with an effective date of February 7, 1985. 50 Fed. Reg. 3,344. EPA authorized revisions to Massachusetts's hazardous waste management program on September 30, 1998 (63 Fed. Reg. 52,180), October 12, 1999 (64 Fed. Reg. 55,153), March 12, 2004 (69 Fed. Reg. 11,801), January 31, 2008 (73 Fed. Reg. 5,753), and June 23, 2010 (75 Fed. Reg. 35,660). Because Massachusetts is not authorized by

EPA to implement the federal organic air emissions standards, they are enforceable in Massachusetts only by EPA.

12. Promulgated pursuant to the authority granted by M.G.L. c. 21C, §§ 4 and 6, M.G.L. c. 21E, § 6, and by St. 1987, c. 587, § 47, Massachusetts's federally authorized hazardous waste management regulations are codified at Title 310, Chapter 30 of the Code of Massachusetts Regulations ("C.M.R."), 310 C.M.R. §§ 30.0001 *et seq*. (the "Massachusetts Hazardous Waste Regulations").

13. 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.

14. 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 Massachussetts hazardous waste program, as well as the federal regulations promulgated pursuant to HSWA, 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.

15. Sections 3008(a) and (g) of RCRA provide that any person who violates any order or requirement of Subchapter C 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 Federal Civil Penalties Inflation Adjustment and Improvements Act of 2015, 28 U.S.C. § 2461 note, Pub. L. 114-74, the Debt Collection Improvement Act of 1996 ("DCIA"), 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 $97,229 per day for each violation that occurred after November 2, 2015, and is assessed on or after January 15, 2018.

IV. GENERAL AND FACTUAL ALLEGATIONS

16. Polycarbon Industries, Inc. is a Delaware corporation doing business in Massachusetts, having a principal place of business located at 9 Opportunity Way, Newburyport, Massachusetts.

17. Respondent is a "person" as defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(15), and 310 C.M.R. 30.010.

18. At all times relevant to the allegations set forth in this Complaint, Respondent owned and/or operated a facility located at 9 Opportunity Way, Newburyport, Massachusetts ("Facility") that manufactures chemicals for the pharmaceutical industry. Respondent is, therefore, an "owner" and/or an "operator" as those terms are defined in 40 C.F.R. § 260.10 and 310 C.M.R. 30.010.

19. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), Respondent notified EPA that it was a large quantity generator of hazardous waste on December 9, 2005.

20. At all times relevant to this Complaint, Respondent generated and continues to generate "hazardous waste," as that term is defined in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. § 261.3, and 310 C.M.R. 30.010, at the Facility. Hazardous wastes that are currently generated or have been generated at the Facility include, but are not limited to: waste solvents such as methanol, acetone, dichloromethane, and toluene.

21. At all times relevant to the allegations set forth in this Complaint, Respondent was and is a "generator," as that term is defined in 40 C.F.R. § 260.10 and 310 C.M.R 30.010, of hazardous waste.

22. As the owner and operator of a facility that generates hazardous waste, Respondent is subject to the requirements for generators of hazardous wastes set forth at 310 C.M.R. 30.300 *et seq.* and 40 C.F.R. Parts 260 through 270.

23. At all times relevant to this Complaint, Respondent maintained at the Facility seven above-ground tanks that are/were used to store hazardous waste. Those tanks are: (a) Pressure Filter Nutsche ("PFN")-1 knock out pot ("KOP"); (b) PFN-2 KOP; (c) PFN-3 KOP; (d) Edwards ("EDW") vacuum pump-2 KOP; (e) EDW-3 KOP; (f) EDW-4 KOP; and (g) HW-101 collection tank. Respondent is, therefore, subject to the standards applicable to tank systems set forth at 310 C.M.R. §§ 30.690 *et seq.*, as referenced by 310 C.M.R. 30.343(1).

24. Equipment at the Facility which contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight is subject to the air emission standards for equipment leaks set forth in 40 C.F.R. Part 265, Subpart BB ("Subpart BB"), pursuant to 40 C.F.R. § 265.1050(b), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

25. At all times relevant to this Complaint, in its seven above-ground storage tanks, Respondent stored hazardous waste with organic concentrations of at least 10 percent by weight. Therefore, equipment associated with those tanks is subject to Subpart BB.

26. At all times relevant to this Complaint, in addition to the seven hazardous waste tanks listed in paragraph 23 above, Respondent maintained the following equipment at the Facility that came into contact with hazardous waste with organic concentrations of at least 10 percent by weight: (a) auxiliary equipment associated with the seven hazardous waste tanks; and (b) five portable vacuum pumps that are used during vessel cleanout operations. This equipment is also subject to Subpart BB.

27. A tank for which all hazardous wastes entering the unit has an average volatile organic concentration of 500 parts per million or greater volatile organics by weight is subject to the requirements of 40 C.F.R. Part 265, Subpart CC ("Subpart CC"). *See* 40 C.F.R. § 265.1083(c)(1).

28. At all times relevant to this Complaint, because Respondent accumulated hazardous waste of at least 500 parts per million volatile organics by weight in seven tanks, Respondent is/was subject to the air emission standards for tanks set forth in Subpart CC.

28. On June 13 through 16, 2017, duly authorized representatives of EPA conducted an inspection at the Facility ("Inspection") to determine Respondent's compliance with RCRA and the federal and state regulations promulgated thereunder. During the Inspection, the inspectors observed conditions at the Facility and reviewed documents related to hazardous waste management.

29. On August 18, 2017, EPA Region 1 issued a "Notice of Potential Violation" to Respondent regarding potential RCRA violations identified at the Facility during the Inspection.

V. VIOLATIONS

30. Based on information obtained during and after the Inspection, EPA has determined that Respondent violated the following requirements of RCRA and the federal and state regulations promulgated thereunder.

COUNT I – Failure to Conduct Waste Determinations

31. Paragraphs 1 through 30 are hereby incorporated by reference.

32. Pursuant to 310 C.M.R. 30.302, a large quantity generator is required to determine whether a waste it generates is hazardous.

33. At the time of the Inspection, Respondent had not made a hazardous waste determination for the following wastes generated at the Facility:

a. Sludge removed from the Facility's wastewater treatment system; and

b. Spent carbon material from the wastewater treatment system.

34. Respondent's failure to make hazardous waste determinations for the two waste streams described in paragraph 33 above, constituted violations of 310 C.M.R. 30.302.

COUNT II - Failure to Place Accumulation Dates on Containers of Hazardous Waste

35. Paragraphs 1 through 34 are hereby incorporated by reference.

36. Pursuant to 310 C.M.R. 30.341(2)(d), each tank or container in which hazardous waste is being stored shall be clearly marked with the date upon which each period of accumulation begins.

37. At the time of the Inspection, Respondent stored the following containers of hazardous waste without marking them with the dates that accumulation began:

a. Two 55-gallon steel drums labeled "hazardous waste, ignitable, toxic, acetonitrile, methylene chloride, toluene, methanol, acetfone, isopropanol, ethyl acetate, heptane, THF," located in the HWSA for the laboratory which is a closed shed (near Edwards #3, PFN-2);

b. One 55-gallon blue poly drum, labeled "hazardous waste, corrosive, toxic ignitable, hydrochloric acid, sulfuric acid, ethyl acetate, heptane" adjacent to the closed shed, on a spill pallet, for the collection of lab waste;

c. One 55-gallon blue poly drum, labeled "hazardous waste, toxic, .1 N silver nitrate solution" adjacent to the closed shed, on a spill pallet, for the collection of lab waste;

d. One 5-gallon pail labeled "hazardous waste, toxic, ignitable, mercury acetate in methanol" adjacent to the closed shed, on a spill pallet, for the collection of lab waste; and

e. One 5-gallon pail labeled "hazardous waste, toxic" on a spill pallet, for the collection of lab waste, adjacent to the closed shed.

38. Respondent's failure to mark the date that accumulation began on containers holding hazardous waste violated 310 C.M.R. 30.341(2)(d).

COUNT III - Failure to Comply with Hazardous Waste Tank Regulations

39. Paragraphs 1 through 38 are hereby incorporated by reference.

40. Pursuant to 310 C.M.R. 30.694, 30.696, and 30.698, as referenced by 310 C.M.R 30.343(1), throughout the period of accumulation, a generator of hazardous waste that stores such waste in a tank shall comply with the standards for storage and treatment in tanks. Among the requirements that apply to hazardous waste tanks, are: (a) providing secondary containment, in accordance with 310 C.M.R. 30.694; (b) conducting daily inspections and maintaining records of such inspections, in accordance with 310 C.M.R. 30.696(1), and (c) special requirements for ignitable wastes, in accordance with 310 C.M.R. 30.698. In addition, pursuant to 310 C.M.R. 30.341(2) and 30.695(3), each tank in which hazardous waste is being accumulated must be labeled (a) with the words "hazardous waste," (b) the hazardous waste identified in words, (c) the type of hazard(s) associated with the waste indicated in words, and (d) the date upon which each period of accumulation begins.

41. At the time of the Inspection, Respondent was storing hazardous waste in the following tanks:

a. six KOPS (between 100 and 300 gallons each) that are used to store solvent waste from vacuum system condensers used during product drying activities; and

b. Hazardous waste tank 101 ("HW-101") that also collects solvent waste from a condenser. The seal fluid from the liquid ring vacuum pumps containing methanol, methyl isobutyl ketone, methylene chloride, sodium hydroxide, tetrahydrofuran, toluene and water (RCRA F-listed solvents) drains into HW-101, a 100-gallon hazardous waste collection tank.

42. At the time of the Inspection, Respondent was not managing these tanks as hazardous waste tanks. The tanks did not have secondary containment. Inspections were not conducted, and there was no documentation that these tanks met design and operational standards for tanks containing ignitable wastes. In addition, these tanks were not labeled and dated.

43. Respondent's failure to manage tanks containing hazardous wastes in accordance with the standards for hazardous waste tanks violated 310 C.M.R. 30.694, 30.695, 30.696, and 30.698, as referenced by 310 C.M.R 30.343(1) and 30.341(2).

COUNT IV – Failure to comply with hazardous waste air emission standards for marking/labeling equipment

44. Paragraphs 1 through 43 are hereby incorporated by reference.

45. Pursuant to 40 C.F.R. § 265.1050(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii), for generators that store hazardous wastes in tanks, each piece of equipment subject to 40 C.F.R. Part 265, Subpart BB ("Subpart BB") shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

46. At the time of the Inspection, the pipes, valves, flanges and other related connections associated with the seven tanks described in paragraph 23 above, were subject to

Subpart BB requirements, including the operating, labeling and monitoring requirements of Subpart BB. In addition, the five portable vacuum pumps listed in paragraph 26 above, were subject to Subpart BB requirements, including the operating, labeling and monitoring requirements of Subpart BB.

47. Pursuant to 40 C.F.R. § 265.1050(c), each piece of equipment to which Subpart BB applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.

48. At the time of the Inspection, the equipment listed in Paragraph 46 above, contained or contacted hazardous wastes with organic concentrations of at least 10 percent by weight, and is subject to the requirements of Subpart BB.

49. At the time of the Inspection, the equipment listed in paragraph 46 above, was not marked in such a manner that it could be distinguished readily from other pieces of equipment.

50. By failing to label equipment subject to Subpart BB in such a manner that it could be distinguished readily from other pieces of equipment, Respondent violated 40 C.F.R. § 265.1050(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

COUNT V - Failure to Comply with Hazardous Waste Air Emission Standards (Subpart BB) for Monitoring Valves in Light Liquid Service, Pumps and Flanges

51. Paragraphs 1 through 50 are hereby incorporated by reference.

52. Pursuant to 40 C.F.R. § 265.1052(a)(1), as referenced by 40 C.F.R. § 262.34(a)(1)(ii), each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b).

53. Pursuant to 40 C.F.R. § 265.1052(a)(2), each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

54. Pursuant to 40 C.F.R. § 265.1057(a), each valve in light liquid and gas/vapor service shall be monitored monthly to detect leaks by the methods specified in 40 C.F.R. § 265.1063(b), and shall comply with certain options for the continued monitoring of such valves.

55. At the time of the Inspection, Respondent had seven tanks, described in paragraph 23 above, that contained or contacted hazardous wastes with organic concentrations of at least 10 percent by weight and that were in light liquid service. The auxiliary equipment associated with these tanks, including valves, open-ended valves and lines, and closed-vent systems and control devices were not being monitored in accordance with the requirements in paragraphs 52 - 54 above. In addition, the five portable vacuum pumps that were used during vessel cleanout operations and were in light liquid service, were not being monitored in accordance with the requirements of 40 C.F.R §§ 1052(a)(1) and (2).

56. By failing to monitor equipment in light liquid service, Respondent violated Subpart BB, including 40 C.F.R. §§ 265.1052(a)(1) and (2), and 265.1057(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

Count VI - Failure to Comply with Hazardous Waste Air Emission Standards (Subpart BB) for Open-Ended Valves and Lines

57. Paragraphs 1 through 56 are incorporated by reference as if fully set forth herein.

58. Pursuant to 40 C.F.R. § 265.1056(a), (1) each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve; and (2) the cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.

59. At the time of the Inspection, Respondent had a portable vacuum pump (PS01) with hoses that were used during vessel clean out operations that had open ends. Caps on the

hoses were not present. There were two additional portable vacuum pumps (near GL-502 and GL-1003) with open ends and no caps present: (1) the vacuum pump had four open ends (wand, valve attachment both ends, and hose end), and (2) a portable vacuum pump with disconnected hoses that had an open end. During the inspection, EPA inspectors used a toxic vapor analyzer to monitor a portable pump used for tank cleanout operations that had two open-ended hoses. The monitoring showed the pump had detectable volatile organic compound emissions greater than 10,000 parts per million. This portable pump had not been used for several days according to Glenn Murphy, PCI Production Manager, indicating that these portable pump systems still contained volatile organic compounds even when not in use.

60. By maintaining three portable vacuum pumps with open-ended valves or lines, and by not equipping those open-ended valves or lines with caps or other closures, Respondent violated 40 C.F.R. § 265.1056(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

COUNT VII - Failure to comply with hazardous waste air emission standards (Subpart BB) for maintaining records

61. Paragraphs 1 through 60 are incorporated by reference.

62. Pursuant to 40 C.F.R. § 265.1064(a)(1), as referenced by 40 C.F.R. § 262.34(a)(1), a generator of hazardous waste subject to the provisions of Subpart BB shall comply with the recordkeeping requirements of that section. An owner or operator of more than one hazardous waste management unit subject to the provisions of Subpart BB may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

63. Pursuant to 40 C.F.R. § 265.1064(b)(1), the following information must be recorded for each piece of equipment to which Subpart BB applies: (i) equipment identification

number and hazardous waste management unit identification; (ii) approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan); (iii) type of equipment (e.g., a pump or pipeline valve); (iv) percent-by-weight total organics in the hazardous waste stream at the equipment; (v) hazardous waste state at the equipment (e.g., gas/vapor or liquid); and (vi) method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

64. Pursuant to 40 C.F.R. § 265.1064(g), the following information, among other things, pertaining to all equipment subject to the requirements in 40 C.F.R. §§ 265.1052 through 265.1060 shall be recorded in a log that is kept at the facility: a list of identification numbers for equipment subject to the requirements of Subpart BB.

65. At the time of the Inspection, Respondent did not have documentation of the information listed in paragraphs 63 and 64 above.

66. Respondent's failure to maintain records of Subpart BB compliance violated 40 C.F.R. §§ 265.1064(a), (b), and (g), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

COUNT VIII - Failure to comply with hazardous waste tank air emission regulations (Subpart CC)

67. Paragraphs 1 through 66 are incorporated by reference.

68. A generator that accumulates hazardous waste in tanks on-site for 90 days or less, without a permit, must comply with the requirements of Subpart CC of 40 C.F.R. Part 265 ("Subpart CC"). 40 C.F.R. § 262.34(a)(1)(ii).

69. As provided in 40 C.F.R. § 265.1083(b) of Subpart CC, a facility shall control air pollutant emissions from each hazardous waste management unit in accordance with the applicable standards specified in § 265.1085 through § 265.1088.

70. Section 265.1085(c)(4) of Subpart CC requires a visual inspection of air emission

controls devices, including the fixed roof and its closure devices, to check for defects that could result in air pollution emissions.

71. Section 265.1089(a) of Subpart CC requires the inspection and monitoring of air emission control equipment used to comply with Subpart CC in accordance with the applicable requirements specified in Section 265.1085 through Section 265.1088.

72. Section 265.1089(b) of Subpart CC requires the development and implementation of a written plan and schedule for performance of the inspections and monitoring required by 40 C.F.R. § 265.1089(a).

73. Section 265.1090(a) of Subpart CC requires record keeping and record preservation for the information specified in that section, as applicable to the facility. Except for air emission control equipment design documentation and information, records required by that section shall be maintained for a minimum of three years. Air emission control equipment design documentation shall be maintained until the air emission control equipment is replaced or otherwise no longer in service.

74. Section 265.1090(b) of Subpart CC requires preparation and maintenance of records for each tank using air emission controls, including. a record of each tank inspection performed.

75. At the time of Inspection, there were seven hazardous waste storage tanks at the Facility subject to Subpart CC requirements, as described in paragraph 23 above, that were operated without a Subpart CC compliance plan. Respondent did not comply with the Subpart CC requirements identified in paragraphs 69 through 74 above, with respect to these seven tanks.

76. Respondent's failure to inspect, monitor, and document inspections of its hazardous waste storage tanks and air emission control equipment violated Subpart CC of 40

C.F.R. Part 265, including Sections 265.1083(b), 265.1085(c)(4), 265.1089(a) and (b) and 265.1090(a) and (b), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

VI. PROPOSED PENALTIES AND PAYMENT INSTRUCTIONS

77. In determining the amount of any penalty to be assessed, Section 3008(a) of RCRA 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 three hundred thirty-nine thousand three hundred eighty-two ($339,382). The calculation of the proposed penalty is explained in detail in Attachment 1 to this Complaint, and is summarized as follows:

Count I- Failure to conduct hazardous waste determinations:	$43,536
Count II - Failure to place accumulation dates on containers of hazardous waste:	$507
Count III - Failure to comply with hazardous waste tank regulations:	$70,951
Count IV - Failure to comply with hazardous waste air emission standards (Subpart BB) for marking and labeling subpart BB equipment:	$38,063
Count V - Failure to comply with hazardous waste air emission standards (Subpart BB) for monitoring valves in light liquid service, pumps and flanges:	$38,063
Count VI - Failure to comply with hazardous waste air emission standards (Subpart BB) for open-ended valves and lines:	$29,654
Count VII - Failure to Comply with Hazardous Waste Air Emission Standards	

(Subpart BB) for Maintaining Records:	$38,063
Count VIII - Failure to comply with hazardous waste tank air emission standards (Subpart CC):	$80,525
TOTAL PROPOSED PENALTY	**$339,382**

79. To pay a penalty under the **Quick Resolution** provisions of the Consolidated Rules at 40 C.F.R. § 22.18(a), or to otherwise make a penalty payment to resolve this action, Respondent shall submit a cashier's or certified check, payable to the order of the "Treasurer, United States of America," and referencing the title of this action and the RCRA case docket number (RCRA-01-2018-0068). The check shall be sent via regular mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

a. If Respondent sends the check via express mail, the following address shall be used:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: Natalie Pearson
phone 314-418-4087

b. Respondent shall send a notice of the penalty payment and a copy of the check to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Mail code ORC04-6
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

and

Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Mail code OES04-2
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

VII. COMPLIANCE ORDER

80. Based on the foregoing findings, Respondent is hereby ORDERED to achieve and maintain compliance with all applicable requirements of Subtitle C of RCRA and the hazardous regulations promulgated or authorized thereunder, 40 C.F.R. Part 260 *et seq*. and 310 C.M.R. 30.100 *et seq*. Specifically, Respondent shall do the following:

81. Within 30 days of receipt of this Complaint, Respondent shall conduct adequate hazardous waste determinations, in accordance with 310 C.M.R. 30.302.

82. Immediately upon receipt of this Complaint, Respondent shall place accumulation dates on containers of hazardous waste, in accordance with 310 C.M.R. 30.341(2)(d).

83. Within 30 days of receipt of this Complaint, Respondent shall comply with hazardous waste tank standards, in accordance with the requirements of 310 C.M.R. 30.341(2), 30.694, 30.695, 30.696 and 30.698, as referenced by 310 C.M.R 30.343(1).

84. Within 30 days of receipt of this Complaint, Respondent shall mark each piece of equipment subject to Subpart BB requirements in such a manner that it can be distinguished readily from other pieces of equipment in accordance with the requirements of 40 C.F.R.

§ 265.1050(c), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

85. Within 30 days of receipt of this Complaint, Respondent shall comply with hazardous waste air emission standards (Subpart BB) for valves in light liquid service and for pumps and flanges, in accordance with the requirements of 40 C.F.R. §§ 265.1052(a)(1), (a)(2), and 40 C.F.R. § 265.1057(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

86. Immediately upon receipt of this Complaint, Respondent shall provide caps, flanges, or plugs for open valves, lines and hoses utilized in light liquid service, in accordance with the requirements of 40 C.F.R. § 265.1056(a), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

87. Within 30 days of receipt of this Complaint, Respondent shall begin complying with Subpart BB's recordkeeping requirements, in accordance with 40 C.F.R. §§ 265.1064(a), (b), and (g), as referenced by 40 C.F.R. § 262.34(a)(1)(ii).

88. Within 30 days of receipt of this Complaint, Respondent shall comply with Subpart CC requirements for the seven hazardous waste tanks described in Paragraph 23 above. Specifically, Respondent shall comply with the requirements of 40 C.F.R. §§ 265.1083(b), 265.1085(c)(4), 265.1089(a) and (b), and 265.1090(a) and (b), as referenced by 40 C.F.R. § 262.34(a)(1)(ii), by: (a) inspecting air emission control equipment for defects; (b) developing and implementing a written plan for performing inspection and monitoring of air emission control equipment; (c) recording information pertaining to air emission control equipment design; and (d) maintaining records for each inspection of air control emission equipment.

89. Within thirty-five (35) days of receipt of this Complaint, Respondent shall submit to Complainant written confirmation of its compliance (accompanied by a copy of any appropriate supporting documentation) or noncompliance with the requirements set forth in paragraphs 80 through 88 above. Any notice of noncompliance required under this paragraph

shall state the reasons for the noncompliance and when compliance is expected. Notice of noncompliance shall in no way excuse the noncompliance.

90. Respondent shall submit the above required information and notices to:

Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Suite 100, Mail Code OES04-2
Boston, MA 02109-3912
simpson.andrea@epa.gov

and

Linda Brolin
Environmental Engineer
RCRA, EPCRA and Federal Programs Unit
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Suite 100, Mail Code OES05-1
Boston, MA 02109-3912
brolin.linda@epa.gov

91. If Respondent fails to comply with the requirements of this Compliance Order, Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), provides for further enforcement action in which EPA may seek civil penalties of up to $58,562 for each day of continued noncompliance with the Order.

92. Upon receipt of a compliance order issued under RCRA Section 3008(a), 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) and 40 C.F.R. Part 22.

VIII. OPPORTUNITY TO REQUEST A HEARING AND FILE ANSWER

93. As provided by Section 3008(b) of RCRA, Respondent has the right to request a

hearing on the issues raised in this Complaint. To request a hearing, Respondent must file a Written Answer with the Regional Hearing Clerk in accordance with the requirements of 40 C.F.R. § 22.15 within thirty (30) days of Respondent's receipt of this Complaint. Any such hearing will be conducted in accordance with the Consolidated Rules set out at 40 C.F.R. Part 22 (attached).

94. Respondent's Answer shall be filed with the Regional Hearing Clerk at the following address:

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Suite 100, Mail Code ORC04-6
Boston, MA 02109-3912

95. Respondent shall serve copies of Answer and any subsequent pleadings that Respondent files in this action to EPA Region 1's enforcement counsel for this matter, who is authorized to receive service for Complainant at the following address:

Andrea Simpson
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
5 Post Office Square
Suite 100, Mail Code OES04-2
Boston, MA 02109-3912
simpson.andrea@epa.gov

IX. OPPORTUNITY FOR ELECTRONIC FILING AND SERVICE

96. Pursuant to 40 C.F.R. §§ 22.5(a)(1) and (b)(2), and subject to certain conditions and limitations, the EPA Region 1 Regional Judicial Officer has authorized the use of electronic mail for filing or service in addition to those methods already authorized in the Consolidated Rules. See Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer, dated October 9, 2014 (copy attached). According to the

above-referenced Standing Order, the parties must confer and reach agreement regarding acceptable electronic addresses and other logistical issues prior to utilizing electronic service.

X. DEFAULT ORDER

97. 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.

XI. SETTLEMENT CONFERENCE

98. Respondent may confer informally with EPA Region 1 regarding a potential settlement of this action. Any such settlement would be made final by the issuance of a written Consent Agreement and Final Order by the EPA Region 1 Regional Judicial Officer.

99. Please note that a request for an informal settlement conference does not extend the thirty (30) day period for filing a written Answer. To request such a conference, Respondent's legal counsel may contact Andrea Simpson, Senior Enforcement Counsel, at (617) 918-1738.

Joanna Jerison
Legal Enforcement Manager
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

September 28, 2018
Date

Attachment I
EXPLANATION OF PENALTY CALCULATION
POLYCARBON INDUSTIES, INC.
Docket No. RCRA-01-2018-0068

The following discussion provides justification for the proposed penalty against Polycarbon Industries, Inc. (Respondent) for violations of certain requirements of the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments of 1984 (HSWA) and the Commonwealth of Massachusetts - Department of Environmental Protection - Hazardous Waste Regulations (310 CMR 30.00 through 30.1103). Respondent operates a facility at 9 Opportunity Way, Newburyport, MA.

Gravity-based penalties and multiple or multi-day penalties were calculated in accordance with the RCRA Civil Penalty Policy, dated June 23, 2003, (Policy), the Civil Penalties Inflation Adjustment and Improvement Act of 2018, and the Civil Monetary Adjustment Rule, effective January 11, 2018.

The penalty calculations are based upon alleged RCRA violations documented during an EPA Compliance Evaluation Inspection conducted at Respondent's facility on June 13-16, 2017

Summary of Violations

1. <u>Failure to conduct adequate hazardous waste determinations.</u>

Respondent failed to conduct hazardous waste determinations for two waste streams at the facility.

Potential for Harm - Major

The purpose of the waste determination regulation is to require generators to determine whether a waste they generate is hazardous so that it will be properly managed. Failure to determine if a waste is hazardous increases the likelihood for mismanagement of that waste, its improper disposal, or release to the environment. In this case, the two waste streams in question, if hazardous, should have been managed in accordance with RCRA management standards. The potential harm to human health and the environment is substantial.

Determining whether a waste is hazardous is fundamental to the RCRA regulatory program. Without a proper hazardous waste determination, facilities will not be managing hazardous wastes in accordance with the regulatory requirements necessary to protect human health the environment. In addition, agency inspectors as well as emergency responders will not be able to determine which wastes at a facility are hazardous. As a result, failure to make such a determination creates substantial harm to the regulatory program.

Extent of Deviation – Major

Respondent failed to conduct a hazardous waste determination for two waste streams. The extent of deviation from the regulation is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of - Major/Major

Matrix Cell Range (gravity-based penalty) $33,834 – $42,292

Penalty Amount Chosen - $38,063 (The mid-point has been determined to be appropriate.)

Multiple/Multi-day Assessment

EPA has chosen to assess penalties for each instance of failing to make a waste determination. A separate penalty is being assessed for each instance of violation. In accordance with Section A.3 on page 22 of the Policy, EPA has chosen to treat the second violation using the multi-day matrix, because of the number and similarity of the violations, rather than assessing each failure to conduct a waste determination as an independent act.

Matrix range for the second violation: $2,508 - $8,458
Instance 2 is assessed at $5,483 (mid-point)
Penalty = ($5,483 x 1) = $5,483

TOTAL PENALTY AMOUNT: $43,536

2. Failure to place accumulation dates on containers of hazardous waste.

At the time of the inspection, six containers of hazardous waste had not been labeled with the accumulation date.

Potential for Harm – Minor

There is a potential for harm to human health and the environment because without dating containers of hazardous waste it is impossible to visually determine if such containers have been accumulated on-site for the legal time limit of 90 days for a large quantity generator. Only by labeling containers with the accumulation date can facilities accurately determine how long hazardous wastes have been stored. The longer wastes are stored, the greater likely hood of a release or accidents due to leaks or spills. In addition, this violation poses a potential for harm to the regulatory program. The failure to clearly mark hazardous waste containers with a beginning accumulation date makes it impossible for inspectors to determine how long waste has been stored, which makes it difficult to determine if the facility is operating within the time frames allowed for an unpermitted facility. Exceeding this time frame subjects the facility to the more protective requirements for a treatment, storage or disposal facility.

Extent of Deviation- Minor

Respondent had not marked six of approximately 300 containers of hazardous waste observed with the accumulation start date. Therefore, the containers in violation represented a small percentage of the total containers observed. During the inspection, Respondent's personnel labeled the containers with the accumulation start date. Therefore, the extent of deviation is minor.

Penalty Assessment:

EPA has determined that Respondent's violation of these requirements warrants a classification of Minor/Minor.

Matrix Cell Range (gravity-based penalty) $169- $845

Penalty Amount Chosen - $507. (The mid-point has been determined to be appropriate.)

TOTAL PENALTY AMOUNT: $507

3. Failure to comply with hazardous waste tank regulations.

At the time of the inspection, Respondent was not managing seven tanks that held hazardous waste as hazardous waste tanks. These tanks should have been managed in accordance with hazardous waste tank regulations. These seven tanks collect spent solvents (waste acetone, waste methanol, waste dichloromethane, waste ethyl acetate, and waste toluene).

Potential for Harm – Major

The potential for harm is major because Respondent did not adhere to the protections for hazardous wastes tanks set forth in the regulations such as labeling, dating, secondary containment, daily inspections of the tanks and their ancillary equipment, and design and operational standards for tanks containing ignitable wastes. These failures posed a substantial risk of harm to the environment and the RCRA regulatory program.

Extent of Deviation - Major

Respondent did not include these seven hazardous waste tanks in its hazardous waste management program, and did not comply with the applicable regulations for those units. The extent of deviation is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty) $33,834-$ 42,292

Penalty Amount Chosen - $38,063 (The mid-point has been determined to be appropriate.)

Multiple/Multi-day Assessment

EPA has chosen to assess a penalty for each of the seven hazardous waste tanks. Multiple penalties are being assessed for the second through seventh violations of this requirement. In accordance with Section A. 3. on page 22 of the Policy, EPA has chosen to treat multiple violations of RCRA as multi-day violations because of the number and similarity of the violations, rather than assessing each failure to manage hazardous waste tanks according to applicable requirements as an independent and non-continuous act. The matrix cell range for multi-day penalties is $2,508 - $8,458, for violations which pose a major potential for harm and a major extent of deviation. It has been determined that the violations associated with this count warrant a per-day penalty rate of $5,483. This value is appropriate based on the extent and nature of the violations.

Matrix range: $2,508- $8,458;
Instance 2-7 are assessed at $5,483 (mid-point)
Penalty: ($5,483 x 6) = $32,898

TOTAL PENALTY AMOUNT: $70,961

4. Failure to comply with hazardous waste air emission standards (Subpart BB) for marking/labeling Subpart BB equipment.

At the time of the inspection, Respondent had not properly identified each piece of equipment subject to 40 C.F.R. Part 265, Subpart BB with an identification number or with the approximate location. Respondent uses concentrated solvent extensively in its production processes and cleaning operations. Specifically, the auxiliary equipment associated with seven hazardous waste tanks and the five portable vacuum pumps that are used during vessel clean out operations come into contact with hazardous wastes with an organic concentration of at least 10 percent by weight, and are subject to these requirements.

Potential for Harm – Major

The ability to identify and locate equipment subject to these regulations is essential. By not meeting this requirement Respondent made it difficult to locate the equipment to conduct monitoring and visual inspections. By failing to properly comply with these BB regulations, Respondent circumvented a significant portion of the RCRA air emissions program, increasing the potential for emissions of volatile organic compounds to be released. Only an individual with intimate knowledge of the entire piping and control systems at Respondent's facility would be able over time to identify and locate subject equipment. The violations pose substantial potential for harm to the human health and the environment and substantial harm to the RCRA regulatory program. The potential for harm is major.

Extent of Deviation - Major

This violation represents a substantial deviation from the regulatory requirements. At the time of the inspection, Respondent had not identified any of the regulated equipment under Subpart BB. The extent of deviation from the regulations is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty) $ 33,834-$ 42,292

Penalty Amount Chosen - $ 38,063 (The mid-point has been determined to be appropriate.)

TOTAL PENALTY AMOUNT: $ 38,063

5. Failure to comply with hazardous waste air emission standards (Subpart BB) for monitoring valves in light liquid service, pumps and flanges.

At the time of the inspection, the auxiliary equipment associated with the seven hazardous waste tanks, such as valves, open-ended valves and lines, flanges, closed-vent systems and control devices were not being managed in compliance with Subpart BB. In addition, five portable pumps were not being monitored and inspected for emissions in accordance with Subpart BB.

Potential for Harm – Major

Valves, pumps and flanges and other equipment in hazardous waste service with high VOC concentrations have the potential to release hazardous constituents into the air negatively impacting human health and the environment. By failing to comply with these BB regulations, Respondent circumvented the RCRA air emissions program. The violations pose substantial harm to the regulatory program and pose a substantial potential for harm to the environment. The potential for harm is major.

Extent of Deviation - Major

This violation represents a substantial deviation from the regulatory requirements. At the time of the inspection, Respondent was not monitoring its equipment subject to Subpart BB. The extent of deviation from the regulatory requirements is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty) $33,834-$42,292

Penalty Amount Chosen - $38,063 (The mid-point has been determined to be appropriate.)

TOTAL PENALTY AMOUNT: $ 38,063

6. Failure to comply with hazardous waste air emission standards (Subpart BB) for open-ended valves and lines.

At the time of the inspection, there were three portable vacuum pumps at the facility with open, uncapped ends. During the inspection, EPA performed air monitoring on one of the portable pumps. The monitoring showed high emissions of volatile organic compounds. The pump had not been in use for several days.

Potential for Harm – Major

Uncapped, open-ended valves and lines in hazardous waste service with high VOC concentrations pose a substantial potential for harm to human health and the environment when these valves are not properly maintained and monitored due to the potential for releases. These conduits have the potential to allow a substantial flow of VOC emissions due to the size of their openings. This violation poses substantial harm to the environment as well as to the RCRA regulatory program since the regulations are designed to be self-implementing. The potential for harm is major.

Extent of Deviation - Moderate

These violations represent a significant deviation from the regulatory requirements. At the time of the inspection, not all of the pumps in use had uncapped, open ended valves and lines. The extent of deviation from the regulations is moderate.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Moderate.

Matrix Cell Range (gravity-based penalty) $ 25,3745 -$33,933

Penalty Amount Chosen - $ 29,654 (The mid-point has been determined to be appropriate.)

TOTAL PENALTY AMOUNT: $ 29,654

7. **Failure to comply with hazardous waste air emission standards (Subpart BB) for maintaining records.**

At the time of the inspection, Respondent was not maintaining records required to demonstrate compliance with 40 C.F.R. Part 265, Subpart BB.

Potential for Harm – Major

The failure to maintain records demonstrating compliance with Subpart BB makes it more likely that the standards will not be adhered to, increasing the likelihood of emissions. In addition, without records, inspectors cannot determine if a facility is in compliance with Subpart BB requirements. Thus, the violation posed a substantial risk of harm to human health and the environment and to the RCRA regulatory program. The potential for harm is major.

Extent of Deviation - Major

This violation represents a substantial deviation from the regulatory requirements. Respondent had not maintained any of the records required by Subpart BB. The extent of deviation from the regulations is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty) $ 33,834-$ 42,292

Penalty Amount Chosen - $ 38,063 (The mid-point has been determined to be appropriate.)

TOTAL PENALTY AMOUNT: $38,063

8. **Failure to comply with hazardous waste tank air emission regulations (Subpart CC)**

At the time of inspection, Respondent was not operating seven hazardous waste storage tanks in compliance with 40 C.F.R. Part 265, Subpart CC.

Potential for Harm – Major

Tanks containing hazardous wastes with high VOC concentrations have the potential to pollute when tank openings are not properly maintained and monitored. Moreover, the Subpart CC regulations are intended to be self-implementing, and to regulate emissions that may not otherwise be regulated. By failing to properly comply with the Subpart CC regulations, Respondent circumvented a major portion of the RCRA air emissions program. The violations pose substantial harm to the regulatory program and pose a substantial potential for harm to the environment. The potential for harm is major.

Extent of Deviation - Major

This violation represents a substantial deviation from the regulatory requirements. At the time of the inspection, Respondent was operating seven hazardous waste tanks that were subject to Subpart CC. None of these tanks were in compliance with the Subpart CC requirements. The extent of deviation from the regulations is major.

Penalty Assessment

EPA has determined that Respondent's violation of these requirements warrants a classification of Major/Major.

Matrix Cell Range (gravity-based penalty) $33,834- $42,292

Penalty Amount Chosen - $38,063 (The mid-point has been determined to be appropriate.)

Multiple/Multi-day Assessment

EPA has chosen to assess a separate penalty for each of the seven hazardous waste tanks that was out of compliance with Subpart CC. Multiple penalties are being assessed for the second through the seventh violations of this requirement. In accordance with Section A.3 on page 22 of the policy, EPA has chosen to treat multiple violations of RCRA as multi-day violations because of the number and similarity of the violations. The matrix cell range for multi-day penalties is $2,508 – $8,458 for violations which pose a major potential for harm and a major extent of deviation. It has been determined that the violations associated with this count warrant a per-day rate of $5,483.

Matrix range: $ 2,508 - $8,458
Instance 2-7 are assessed at $5,483 (mid-point)
Penalty = ($5,483 x 6) = $32,898

Adjustment for Economic Benefit (BEN)

This economic benefit calculation incorporates the economic benefit for violations for # 5-9. The economic benefit estimate was calculated by using data from an environmental consultant and EPA's BEN model. The calculated economic benefit is $ 9,564.

TOTAL PENALTY AMOUNT: $80,525

Requirements Violated	Gravity based Penalty	Economic Benefit Penalty	Multiple/ multi-day Penalty	**Total**
1)Failure to conduct adequate hazardous waste determinations	$38,063		$5,483	**$43,546**
2)Failure to place accumulation dates on containers of hazardous waste	$ 507			**$ 507**
3)Failure to Comply with Hazardous Waste Tank Standards	$38,063		$32,898	**$70,961**
4)Failure to Comply with Subpart BB Standards (Labeling)	$38,063			**$38,063**
5)Failure to comply with Subpart BB standards (Monitoring)	$38,063			**$38,063**
6)Failure to Comply with Subpart BB Standards (Open-ended Lines and Flanges)	$29,654			**$29,654**
7)Failure to Comply with Subpart BB Standards (Records)	$38,063			**$38,063**
8)Failure to Comply with hazardous waste tank air emission Regulations (Subpart CC)	$38,063	$9,564	$32,898	**$80,525**
Total – 8 Counts	$258,539	$9,564	$71,279	**$339,382**