

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: Harris Industries, Inc.

FILE NO.: 2009-76-HW

NOTICE OF VIOLATION

A. Introduction

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Department of Environmental Management (the “Director” of “DEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under DEM’s jurisdiction.

B. Facts

- (1) The subject property is located at 181 Conant Street, Pawtucket, Rhode Island (the “Property”). The Property includes a facility used for the manufacture of flexographic printing products (the “Facility”).
- (2) The Facility is operated by Harris Industries, Inc.
- (3) The Respondent is registered with the DEM as a small quantity hazardous waste generator pursuant to the DEM Rules and Regulations for Hazardous Waste Management (the “Hazardous Waste Regulations”) and pursuant to Title 40 of the Code of Federal Regulations (“40 CFR”) under the name of “Harris Industries Inc” with the U. S. Environmental Protection Agency (“EPA”) hazardous waste generator identification number RIR000507632.
- (4) On July 28, 2009, DEM inspected the Facility. The inspection revealed the following:
 - (a) Fourteen (14) fifty-five (55) gallon containers holding liquid flammable hazardous waste in the form of solvent based inks that were not labeled with the words “hazardous waste”, the name and address of the generating facility, the U.S. Department of Transportation shipping name and the EPA or Rhode Island waste code;
 - (b) Fourteen (14) fifty-five (55) gallon containers holding liquid flammable hazardous waste in the form of solvent based inks that were not marked with the date upon which the waste first began to accumulate;

- (c) One (1) fifty-five (55) gallon container holding liquid flammable hazardous waste in the form of a solvent based ink that was not closed as required;
 - (d) Twelve (12) fifty-five (55) containers holding liquid flammable hazardous waste in the form of solvent based inks that were not stored in an area with a containment system;
 - (e) Twelve (12) fifty-five (55) containers holding liquid flammable hazardous waste in the form of solvent based inks that were not stored in an area with adequate aisle space to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment;
 - (f) The areas in which the hazardous waste were stored lacked spill control equipment; and
- (5) During the July 28, 2009 inspection the DEM inspector asked Chuck Chito, the Facility Plant Manager, to identify the date upon which the Respondent began to accumulate the fourteen (14) fifty-five (55) gallon containers holding flammable hazardous waste in the form of solvent based inks. Mr. Chito stated that accumulation of the waste began approximately six (6) months before the date of the inspection.
- (6) During the July 28, 2009 inspection the DEM inspector asked Mr. Chito to produce the hazardous waste contingency plan. Mr. Chito stated that the Respondent did not have a written hazardous waste contingency plan.
- (7) During the July 28, 2009 inspection the DEM inspector asked Mr. Chito to produce the hazardous waste personnel training records. The DEM inspector reviewed the training records and determined that Respondent failed to provide its employees with hazardous waste management training. The DEM inspector noted that Respondent provided OSHA based training to its employees.
- (8) During the July 28, 2009 inspection, the DEM inspector asked Mr. Chito to produce documentation of the weekly inspections of the hazardous waste container storage areas. Mr. Chito stated that Respondent did not conduct weekly inspections of the container storage areas and could not produce the documentation requested by DEM.
- (9) After the July 28, 2009 inspection the DEM reviewed its files and determined that the Respondent failed to:
- (a) submit a 2007 Small Quantity Hazardous Waste Generator Report (the “SQG Report”) to DEM. DEM notified the Respondent in letters issued on July 9, 2007 and October 1, 2007 that Respondent was required to submit the SQG Report; and
 - (b) submit a list of agents who were authorized by the company to sign hazardous

waste manifests to the DEM.

- (10) On July 31, 2009 DEM received a copy of a hazardous waste manifest submitted by Respondent which documented the offsite shipment of fourteen (14) fifty-five gallon containers holding waste flammable liquids, assigned the EPA Waste Number D001, to a licensed treatment, storage and disposal facility.

C. Violation

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) **Hazardous Waste Regulation 5.02A and Code of Federal Regulations 40 CFR 262.34(a)** – requiring that a hazardous waste generator store hazardous waste onsite for a period of time that does not exceed ninety (90) days.
- (2) **Hazardous Waste Regulation 5.04A and 40 CFR 262.34(a)(3)** – requiring that a hazardous waste generator label each container, excluding satellite accumulation containers, holding hazardous waste with the words “Hazardous Waste”, the name and address of the generating facility, the U.S. Department of Transportation shipping name, the EPA or Rhode Island waste code and the hazardous waste manifest number (prior to being shipped offsite).
- (3) **Hazardous Waste Regulation 5.02A and 40 CFR 262.34 (a)(2)** – requiring that a hazardous waste generator mark containers holding hazardous waste with the date upon which the waste first began to accumulate.
- (4) **Hazardous Waste Regulation 5.02A, 40 CFR 262.34(a)(1)(i) and 40 CFR 265.173(a)** – requiring that a hazardous waste generator keep containers holding hazardous waste closed except when adding or removing waste.
- (5) **Hazardous Waste Regulation 5.02A and 40 CFR 264.175** – requiring that a hazardous waste generator provide a containment system for all drums and containers holding liquid hazardous waste in storage onsite.
- (6) **Hazardous Waste Regulation 5.02A and 40 CFR 265.35** – requiring that a hazardous waste generator maintain adequate aisle space in the facility to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment.
- (7) **Hazardous Waste Regulation 5.02A and 40 CFR 265.32** – requiring that a hazardous waste generator equip its facility with spill control equipment of sufficient type and quantity to respond to spills or unplanned releases of hazardous materials and waste.
- (8) **Hazardous Waste Regulation 5.02A, 40 CFR 262.34(a)(4) and 40 CFR 265.51** – requiring that a hazardous waste generator prepare and maintain a contingency plan designed to minimize hazards to human health or the environment from fires,

explosions or unplanned releases of hazardous waste or constituents to the air, soil or surface water.

- (9) **Hazardous Waste Regulation 5.02A, 40 CFR 262.34(a)(4) and 40 CFR 265.16** – requiring that a hazardous waste generator provide training to company employees who handle and/or manage hazardous waste and provide employees with a review of the training on an annual basis.
- (10) **Hazardous Waste Regulation 5.02A, 40 CFR 262.34(a)(1)(i) and 40 CFR 265.174** – requiring a hazardous waste generator conduct weekly inspections of container storage areas looking for leaking containers and signs of deterioration caused by corrosion or other factors and maintain documentation of the inspection of each hazardous waste storage area.
- (11) **Hazardous Waste Regulations 5.05** – requiring that a hazardous waste generator complete and submit a Small Quantity Generator Report when required by the DEM.
- (12) **Hazardous Waste Regulations 5.09** – requiring that a hazardous waste generator submit to the DEM a list of agents authorized by the company to sign hazardous waste manifests.

D. Order

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), you are hereby ORDERED to:

- (1) **IMMEDIATELY upon receipt of this Notice of Violation (“NOV”)**, cease and desist the practice of storing hazardous waste onsite for a period of greater than ninety (90) days, excluding waste held in satellite accumulation containers.
- (2) **Within thirty (30) days of receipt of the NOV:**
 - (a) develop and maintain a hazardous waste contingency plan for the Facility that includes all of the applicable information contained in 40 CFR 265 Subpart D. **Within ten (10) days of completion of the plan**, submit a copy to the DEM Office of Compliance & Inspection.
 - (b) provide hazardous waste management training to Facility personnel that manage/handle hazardous waste which is relevant to the positions in which they are employed. **Within ten (10) days of the completion of the training**, submit copies of the training program and attendance sheet to the DEM Office of Compliance & Inspection.
 - (c) equip the Facility with spill control equipment of sufficient type and quantity to respond to spills or unplanned releases of hazardous materials and waste.

(d) submit a Small Quantity Generator Report to the DEM Office of Compliance & Inspection, a blank copy of which has been included with this NOV.

(e) submit to the DEM Office of Compliance & Inspection a list of agents authorized by Respondent to sign hazardous waste manifests.

E. Penalty

(1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

Thirty Five Thousand Three Hundred Sixteen Dollars (\$ 35,316.00)

(2) The proposed administrative penalty is calculated pursuant to the DEM Rules and Regulations for Assessment of Administrative Penalties, as amended, and must be paid to the Director within twenty (20) days of your receipt of this NOV. Payment shall be in the form of a certified check or money order made payable to the “General Treasury - Environmental Response Fund,” and shall be forwarded to the DEM Office of Compliance and Inspection, 235 Promenade Street, Suite 220, Providence, Rhode Island 02908-5767.

(3) Penalties assessed against respondent in this NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.

F. Right to Administrative Hearing

(1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before the DEM Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Paragraphs B through E above. All requests for hearing MUST:

(a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b),

(b) Be **RECEIVED** by DEM's Administrative Adjudication Division, at the following address, within twenty (20) days of your receipt of this NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
DEM - Administrative Adjudication Division
235 Promenade Street, 3RD Floor
Providence, RI 02908-5767

- (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b); **AND**
 - (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Rule 7.00(b) of the DEM Administrative Rules of Practice and Procedure for the Administrative Adjudication Division of Environmental Matters.
- (2) A copy of each request for hearing must also be forwarded to:
- Susan Forcier, Esquire
DEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767
- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.
 - (4) Each respondent must file a separate and timely request for an administrative hearing before DEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner with regard to any violation set forth herein, then this NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (v) and 42-17.6-4(b) and (c).
 - (5) Failure to comply with this NOV may subject each respondent to additional civil and/or criminal penalties.
 - (6) This NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Susan Forcier at the DEM Office of Legal Services at (401) 222-6607. All other inquiries should be directed to Tracey Tyrrell of the DEM Office of Compliance and Inspection at (401) 222-1360 ext. 7407.

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section F above.

FOR THE DIRECTOR

David E. Chopy, Chief
DEM Office of Compliance and Inspection

Date: _____

CERTIFICATION

I hereby certify that on the _____ day of _____
the within Notice of Violation was forwarded to:

Harris Industries, Inc.
c/o Charles E. Chito, Registered Agent
181 Conant Street
Pawtucket, RI 02862

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, HAZARDOUS WASTE
 File No.: 2009-76-HW
 Respondent: Harris Industries, Inc.

GRAVITY OF VIOLATION					
SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
C (1) – Storage Greater Than Ninety (90) Days	Type I (\$ <u>25,000</u> Max. Penalty)*	Moderate	\$6,250	1	\$6,250.00
C (2) – Lack of Container Labels	Type I (\$ <u>25,000</u> Max. Penalty)*	Moderate	\$6,250	1	\$6,250.00
C (3) – Lack of Accumulation Start Date	Type I (\$ <u>25,000</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (4) – Failure to Close Containers	Type I (\$ <u>25,000</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (5) – Lack of Secondary Containment	Type I (\$ <u>25,000</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (6) – Lack of Aisle Space	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (7) – Lack of Spill Control Equipment	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (8) – Failure to Develop a Contingency Plan	Type I (\$ <u>25,000</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00

C (9) – Failure to Provide Training	Type I (\$ <u>25,000</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (10) – Failure to Conduct Weekly Inspections	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$1,250	1	\$1,250.00
C (11) – Failure to Submit Small Quantity Generator Report	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$2,500	1	\$2,500.00
C (12) – Failure to Submit Manifest Signers List	Type III (\$ <u>6,250</u> Max. Penalty)*	Minor	\$1,250	1	\$1,250.00
SUB-TOTAL					\$35,000.00

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

PENALTY MATRIX WORKSHEET

CITATION: Storage Greater Than Ninety (90) Days
 VIOLATION NO.: C (1)

TYPE		
<p><u> X </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p><u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p><u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>

DEVIATION FROM THE STANDARD
 THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10 (a) (2) of the DEM *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** Respondent stored hazardous waste on the Property for a period of greater than ninety (90) days without first obtaining a permit. State and Federal Regulations require any person who constructs, operates or plans to operate a hazardous waste treatment, storage and disposal facility to obtain a permit from the State prior to conducting any activity at the site. The permit requirement, which is a core element of the regulatory program, enables the State to ensure the facility operators develop and follow waste management procedures to ensure that the facility will be operated safely minimizing the threat posed by such activities to human health and the environment.
- (B) **Environmental conditions:** Not relevant.
- (C) **Amount of the pollutant:** Respondent stored fourteen (14) fifty-five (55) gallon containers holding hazardous waste for a period of time that was greater than ninety (90) days. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.
- (D) **Toxicity or nature of the pollutant:** The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.
- (E) **Duration of the violation:** Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.
- (F) **Areal extent of the violation:** Not relevant.

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	<u>X</u> MODERATE	MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500 \$6,250	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Lack of Container Labels

VIOLATION NO.: C (2)

TYPE		
<p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">_____ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">_____ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to label containers holding flammable hazardous waste in the form of solvent based inks. The requirement to label containers holding hazardous waste is an integral part of the regulatory program because it reduces the potential for mismanagement of hazardous waste. Proper labeling of hazardous waste containers also provides important information regarding the chemical properties of the waste for emergency responders who may be called to a facility during a fire, spill or release. State and Federal regulations require generators to label containers holding hazardous waste with the words “Hazardous Waste”, the Generator’s name and address, the USDOT shipping name and the EPA or Rhode Island Waste Code.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding hazardous waste that were not labeled as required by regulation. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** A fire was reported at the Facility on July 5, 2009 that required local emergency response personnel to enter the building. The unlabeled containers holding flammable hazardous waste represented a significant danger to human health.

MAJOR	<u>X</u> MODERATE	MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500 \$6,250	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Lack of Accumulation Start Date

VIOLATION NO.: C (3)

TYPE		
<p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
<small>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</small>		
<p>FACTORS CONSIDERED:</p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to mark containers holding flammable hazardous waste in the form of solvent based inks with the date upon which the waste first began to accumulate. The requirement to mark containers holding hazardous waste with the accumulation date is an integral part of the regulatory program because it enables facility personnel and regulatory agencies to ensure compliance with the less than ninety (90) day accumulation time limit for hazardous waste storage.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding hazardous waste that were not marked with an accumulation date. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<input checked="" type="checkbox"/> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Close Containers

VIOLATION NO.: C (4)

TYPE		
<p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">_____ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">_____ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p>FACTORS CONSIDERED:</p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to close a container holding flammable hazardous waste located in a storage area at the Facility. The requirement to keep containers holding hazardous waste closed provides a safeguard against spills and/or releases of hazardous waste and reduces the potential of exposure to hazardous waste for personnel working in the facility. State and Federal regulations require generators to keep containers holding hazardous waste closed except when adding or removing waste.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored one (1) fifty-five (55) gallon container holding hazardous waste that was not closed at the time of the inspection.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: The time period during which the container was open is unknown.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Lack of Secondary Containment

VIOLATION NO.: C (5)

TYPE		
<p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
<small>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</small>		
<p>FACTORS CONSIDERED:</p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to store several containers holding liquid hazardous waste in an area with a containment system designed to contain spills and releases of waste. State and Federal regulations require generators to store containers holding liquid hazardous waste in an area with a containment system. The requirement to provide secondary containment for containers holding liquid hazardous waste provides a safeguard against spills and/or releases of hazardous waste and reduces the potential of exposure to hazardous waste for personnel working in the facility or the potential for a spill or release of waste to impact the environment.</p> <p>(B) Environmental conditions: The containers holding the liquid hazardous waste were stored inside of the building on the Property.</p> <p>(C) Amount of the pollutant: Respondent stored twelve (12) fifty-five (55) gallon containers holding liquid hazardous waste in an area without a containment system. Based on the size of the containers the total volume of hazardous waste could have potentially equaled six hundred sixty (660) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Lack of Aisle Space

VIOLATION NO.: C (6)

TYPE		
<p style="text-align: center;">____ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>X</u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">____ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
<small>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</small>		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to store several containers holding liquid hazardous waste with adequate aisle space between the containers. State and Federal regulations require generators to arrange containers holding hazardous waste with sufficient aisle space between the containers to allow for the free flow of emergency response personnel and equipment. The requirement to provide aisle space between containers holding hazardous waste improves the ability of emergency response personnel to manage spills and/or releases of hazardous waste by allowing them access to all of the containers in the storage area. Aisle space also enables facility and regulatory personnel to gain access to inspect containers holding hazardous waste to ensure compliance with management requirements.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored twelve (12) fifty-five (55) gallon containers holding liquid hazardous waste in an area without adequate aisle space. Based on the size of the containers the total volume of hazardous waste could have potentially equaled six hundred sixty (660) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500 \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Lack of Spill Control Equipment

VIOLATION NO.: C (7)

TYPE		
<p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">X TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to equip the Facility with spill control equipment for use in responding to spills or releases of hazardous waste. State and Federal regulations require generators to obtain and maintain spill control equipment of adequate type and volume to enable the generator to respond to spills and releases of the hazardous waste stored onsite. The requirement to equip the Facility with spill control equipment improves the ability of emergency response personnel to manage spills and/or releases of hazardous waste in a timely manner which may reduce impacts to human health and the environment.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding liquid hazardous waste onsite without adequate spill control equipment. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500 \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Develop a Contingency Plan

VIOLATION NO.: C (8)

TYPE		
<p style="text-align: center;"><u>X</u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
<small>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</small>		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to develop and maintain a hazardous waste contingency plan for the Facility. State and Federal Regulations require generators to develop and maintain a contingency plan containing procedures to follow to minimize hazards posed to human health and the environment from fires, explosions or planned or unplanned releases involving hazardous waste. A contingency plan reduces the potential for injury of employees working at the Facility and/or response personnel that may be called upon for assistance during a fire, spill or release incident at the Facility.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding liquid hazardous waste onsite without developing a contingency plan. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Provide Training

VIOLATION NO.: C (9)

TYPE		
<p><u>X</u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p>___ TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p>___ TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p>FACTORS CONSIDERED:</p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to provide hazardous waste management training to Respondent's employees who work with hazardous waste at the Facility. State and Federal Regulations require generators to develop a hazardous waste training program that teaches employees to perform their duties in a manner that ensures compliance with the regulations. Generators are required to provide this training to employees within six (6) months after the employment of the personnel and to provide an annual refresher of the training to their employees. Hazardous waste management training helps ensure that the facility will be operated in compliance with the regulations and reduces the potential for spills or releases of hazardous waste by teaching employees proper waste handling practices.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding liquid hazardous waste onsite without providing hazardous waste management training to its employees. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Conduct Weekly Inspections

VIOLATION NO.: C (10)

TYPE		
<p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">X TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to conduct inspections of the hazardous waste container storage area located at the rear exterior of the Facility on a weekly basis. State Regulations require generators to inspect areas in which hazardous waste is stored in containers onsite and to maintain written logs documenting the results of the inspections. The requirement to inspect container storage areas enables generators to identify containers that have been damaged or deteriorated as a result of corrosion or other factors providing a safeguard against releases of hazardous waste.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Respondent stored fourteen (14) fifty-five (55) gallon containers holding liquid hazardous waste onsite without conducting weekly inspections of the container storage areas. Based on the size of the containers the total volume of hazardous waste could have potentially equaled seven hundred seventy (770) gallons.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Respondent informed DEM that the waste solvent based inks were stored onsite for at least one hundred eighty (180) days.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable steps to prevent the noncompliance. After the DEM inspection, Respondent shipped the hazardous waste offsite to a licensed treatment, storage and disposal facility.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500 \$1,250	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Submit Small Quantity Generator Report

VIOLATION NO.: C (11)

TYPE		
<p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">X TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to submit to the DEM a Small Quantity Hazardous Waste Generator Report as required by State regulations. Providing information to the DEM pertaining to the generation of hazardous waste is of importance to the regulatory program and is a requirement of the Hazardous Waste Regulations.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Not relevant.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: The Respondent was first notified of the requirement to complete and submit a Small Quantity Hazardous Waste Generator Report to the DEM on July 9, 2007. DEM sent notices to the Respondent on July 9, 2007 and October 1, 2007 informing the Respondent of its obligation to submit the report. The initial deadline to complete and return the report was September 1, 2007.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent or mitigate the noncompliance by submitting the report as required by regulation.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500 \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to Submit Manifest Signers List

VIOLATION NO.: C (12)

TYPE		
<p style="text-align: center;">____ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;">____ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>X</u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p>FACTORS CONSIDERED:</p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondent failed to submit to the DEM a list of employees who are authorized by the company to sign uniform hazardous waste manifests. State regulations require generators to submit a list of the names and signatures of employees who are authorized by the company to sign uniform hazardous waste manifests.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Not relevant.</p> <p>(D) Toxicity or nature of the pollutant: The Respondent identified the waste as a characteristic Flammable Hazardous Waste having an EPA Waste Number of D001 on a manifest completed for the offsite shipment of the waste.</p> <p>(E) Duration of the violation: Review of DEM records revealed that Respondent submitted an initial notification of regulated hazardous waste activity to the DEM on August 15, 2007.</p> <p>(F) Areal extent of the violation: Not relevant.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent or mitigate the noncompliance by submitting to the DEM a list of agents authorized to sign hazardous waste manifests as required by regulation.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Not relevant.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** The Respondent had complete control over the occurrence of the violation.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u>X</u> MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250 \$1,250