

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF COMPLIANCE & INSPECTION

IN RE: **Prosys Finishing Technologies, Inc.**

FILE NO.: **OCI-HW-17-67**

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 the DEM's jurisdiction.

B. Facts

- (1) The property is located at 1420 Elmwood Avenue in the City of Cranston, Rhode Island (the “Property”). A section of the Property includes a facility used for the receipt, distribution and manufacturing of chemical solutions and powders primarily involving the manufacture of surfactants and products for the electroplating industry (the “Facility”).
- (2) Respondent operates the Facility.
- (3) On 18 July 2017, the DEM assigned a U.S. Environmental Protection Agency generator identification number of RID080810229 to Respondent under the name of “Prosys Finishing Technologies, Inc.” as a small quantity generator.
- (4) A small quantity generator is defined in the DEM's *Rules and Regulations for Hazardous Waste Management* (the “Hazardous Waste Regulations”), Part 1.5.A.86.d, as a generator that stores between 2,200 pounds and 13,200 pounds of hazardous waste on-site at any time.
- (5) On 18 July 2017, the DEM inspected the Facility and observed the following:
  - (a) Approximately 245 containers of various capacities holding chemicals that were on several shelves in the basement. Several of the containers were rusted;
  - (b) Five 55-gallon containers, one marked with the word “corrosive”, on the floor in the basement; and

- (c) Approximately 60 containers of various capacities holding chemicals located on the floor in the basement. Several of the containers were rusted.
- (6) During the 18 July 2017 inspection the DEM agent met with Richard DiSano, Jr. (“DiSano”), who identified himself as president of Respondent corporation. The DEM agent asked DiSano to identify the contents of the containers and whether the containers held product or waste. DiSano was unable to provide this information to the DEM agent.
- (7) On 17 October 2017, the DEM received copies of hazardous waste manifests numbers 010387645FLE and 010386812FLE dated 28 August 2017 and 3 October 2017. The manifests indicate that Respondent shipped 34 containers holding 17,000 pounds of hazardous waste to a licensed disposal facility.
- (8) On 29 January 2018, a fire occurred at the Facility. A DEM agent responded that day and observed the following:
- (a) The fire occurred in the chemical storage area on the 1<sup>ST</sup> floor;
  - (b) The sprinkler system was activated;
  - (c) Firefighters entered the Facility to extinguish the fire;
  - (d) 16 firefighters were exposed to a gas cloud and suffered injuries; and
  - (e) 2 teams in fully encapsulated suits were sent in and confirmed that the fire was extinguished and no other reactions or releases were ongoing.
- (9) On 5 February 2018, the DEM received electronic correspondence from NRC, the contractor engaged by Respondent to remediate the Facility after the fire on 29 January 2018. The correspondence contained a document titled “Analytical Report” under the project name “STERICYCLE/PROSYS CRANSTON”, project number 122774 and dated 02/02/18. The report revealed that:
- (a) A sample identified as “PROSYS #1 L” contained chromium, copper, lead, mercury, nickel, selenium, zinc, cyanide, chloride and sulfate and had a pH of 13.4 standard units (“SU”); and
  - (b) A sample identified as “PROSYS #2 S” contained arsenic, chromium and copper and had a pH of 12.8 SU.

The pH levels exceed the regulatory threshold of 12.5 SU and render these materials hazardous waste in accordance with the DEM’s Hazardous Waste Regulations Part 1.4C and Title 40 of the Code of Federal Regulations §261.22.

- (10) On 15 March 2018, the DEM inspected the Facility and reviewed records. The inspection and review of records revealed the following:
- (a) All the hazardous waste stored at the Facility was shipped to a licensed treatment, storage and disposal facility;
  - (b) On 6 November 2017, 20 containers holding approximately 9000 pounds of hazardous waste was shipped from the Facility;
  - (c) On 16 January 2018, 9 containers holding approximately 4040 pounds of hazardous waste was shipped from the Facility; and
  - (d) From 6 February 2018 through 22 February 2018, 30 containers holding approximately 6,383 pounds of hazardous waste was shipped from the Facility.
- (11) During the 15 March 2018 inspection, the DEM agent spoke with DiSano and was provided the following information:
- (a) An employee was placing solid chemical wastes into a t-pak container for disposal and an unplanned reaction occurred which started the fire;
  - (b) The employee used pH (litmus) paper to confirm the wastes were compatible;
  - (c) No record of the wastes that were placed into the t-pak container were maintained;
  - (d) DiSano believed a waste oxidizer was placed into the t-pak that reacted with corrosive wastes and started the fire;
  - (e) Respondent began operating in the basement but moved to the 1<sup>ST</sup> floor in or before the year 2004;
  - (f) Materials stored in the basement included chemicals for titrations and buffers that were of “lab quantities”; and
  - (g) DiSano contacted Stericycle Environmental Solutions to help consolidate the wastes stored onsite for proper disposal prior to the DEM inspection on 18 July 2017.
- (12) On 19 March 2018, in response to an inquiry from the DEM, the DEM received electronic correspondence from Amanda Wuoti, an agent for Stericycle Environmental Solutions, that included the following information:
- (a) On 6 August 2015, Wuoti met with DiSano at the Facility;
  - (b) On 12 August 2015, Wuoti submitted a proposal to DiSano for the removal of 11 different waste streams; and

- (c) DiSano did not schedule the waste shipment or otherwise contact Stericycle regarding the proposal until 17 July 2017.
- (13) On 17 April 2018, DiSano sent electronic correspondence to the DEM containing the following records:
  - (a) Respondent's Hazardous Materials Management Plan dated February 2018; and
  - (b) A certificate of completion awarded to DiSano for completing 8 hours of "DOT HazMat Employee & RCRA Hazardous Waste Training" dated April 15, 2018.
- (14) The DEM determined that:
  - (a) Respondent did not provide hazardous waste management training to all its employees prior to storing hazardous waste at the Facility; and
  - (b) Respondent shipped hazardous wastes offsite (in the form of phosphoric acid, selenium, sodium copper cyanide, zinc cyanide, sodium sulfite, mercuric nitrate, lead acetate, potassium cyanide, arsenic sulfide, and formic acid) that are not used onsite as raw materials to produce products based on the information in the Hazardous Materials Management Plan.
- (15) Respondent failed to properly determine if the waste at the Facility met the definition of hazardous waste.
- (16) Respondent placed incompatible wastes into a t-pak container resulting in an unplanned reaction which initiated a fire.
- (17) Respondent failed to provide adequate training to its employees that handle hazardous waste as evidenced by the lack of documentation of training, and the employee's actions that led to the fire.

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) **DEM's Hazardous Waste Regulations 5.3 (recently amended to Part 1.7.3)** – requiring that a hazardous waste generator determine if the waste generated onsite meets the definition of a hazardous waste.
- (2) **DEM's Hazardous Waste Regulations 5.14B.7 (recently amended to Part 1.7.13.C.1.h)** – prohibiting the placement and mixing of incompatible waste in a container in a manner that initiates a fire.

- (3) **DEM's Hazardous Waste Regulations 5.14E (recently amended to Part 1.7.13.F.1)** – requiring that a hazardous waste generator provide training to company employees who handle and/or manage hazardous waste.

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 **within 30 days of receipt of the Notice of Violation (the “NOV”)**, provide hazardous waste management training to Facility personnel that manage/handle hazardous waste which is relevant to the positions in which they are employed and submit copies of the training program and attendance sheet to the OC&I.

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:

**\$25,000**

- (2) The proposed administrative penalty is calculated pursuant to the DEM's *Rules and Regulations for Assessment of Administrative Penalties*, as amended, and must be paid to the DEM within 30 days of your receipt of the NOV. Payment shall be in the form of a certified check, cashiers 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 the 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's 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 the DEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the 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, Room 350  
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 Part 1.7(B) of the DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for 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, 4<sup>TH</sup> 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 the 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 regarding any violation set forth herein, then the 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 (vi) and 42-17.6-4(b) and (c).
- (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) The 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 of the DEM's Office of Legal Services at (401) 222-6607. All other inquiries should be directed to Tracey Tyrrell of the DEM's 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

By: \_\_\_\_\_  
David E. Chopy, Chief  
Office of Compliance and Inspection

Dated: \_\_\_\_\_

CERTIFICATION

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

Prosys Finishing Technologies, Inc.  
c/o Randy A. DiSano, Registered Agent  
1420 Elmwood Ave  
Cranston, RI 02910

by Certified Mail.

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# ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, HAZARDOUS WASTE  
 File No.: OCI-HW-17-67  
 Respondent: Prosys Finishing Technologies, 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) – Waste Determination	Type I <i>(\$25,000 Max. Penalty) *</i>	Moderate	\$12,500	1 violation	\$12,500
C (2) – Incompatible Waste Management	Type I <i>(\$25,000 Max. Penalty) *</i>	Moderate	\$6,250	1 violation	\$6,250
C (3) – Training	Type I <i>(\$25,000 Max. Penalty) *</i>	Moderate	\$6,250	1 violation	\$6,250
<b>SUB-TOTAL</b>					<b>\$25,000</b>

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

## ECONOMIC BENEFIT FROM NONCOMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NONCOMPLIANCE; OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

A review of the record in this matter has revealed that the Respondent has either enjoyed no identifiable benefit from the noncompliance alleged in this enforcement action or that the amount of economic benefit that may have resulted can not be quantified.

## COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that the DEM has not incurred any additional or extraordinary costs during the investigation, enforcement and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

**TOTAL PENALTY PROPOSED UNDER PENALTY REGULATIONS = \$25,000**

# PENALTY MATRIX WORKSHEET

CITATION: Waste Determination

VIOLATION NO.: C (1)

TYPE		
<p><u>  X  </u> <b>TYPE I</b>  <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p><u>    </u> <b>TYPE II</b>  <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p><u>    </u> <b>TYPE III</b>  <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b>FACTORS CONSIDERED:</b></p> <p>Taken from Part 1.10A.1.b of the DEM's <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <ol style="list-style-type: none"> <li>(1) <b>The extent to which the act or failure to act was out of compliance:</b> Respondent failed to determine if waste in storage at the Facility met the definition of hazardous waste. State and Federal regulations require generators of hazardous waste to determine if the waste meets the definition of a hazardous waste. The failure to properly characterize waste may result in the mismanagement of hazardous waste and could lead to the improper disposal of hazardous waste.</li> <li>(2) <b>Environmental conditions:</b> Considered, but not utilized for this calculation.</li> <li>(3) <b>Amount of the pollutant:</b> 36,423 pounds of hazardous waste.</li> <li>(4) <b>Toxicity or nature of the pollutant:</b> Hazardous wastes that were in storage at the Facility included, but were not limited to, chromium, selenium, cyanide compounds, arsenic, lead, sulfuric acid, phosphoric acid, formic acid, potassium hydroxide, hydrogen peroxide and zinc powder. The metals are toxic when ingested or inhaled may cause severe damage to target organs like the liver, kidney or central nervous system. The corrosive wastes can cause severe burns to dermal and lung tissue.</li> <li>(5) <b>Duration of the violation:</b> Full duration unknown – at least 2 years. Respondent received a proposal from Stericycle in August 2015 to remove 11 waste streams from the Facility.</li> <li>(6) <b>Areal extent of the violation:</b> Considered, but not utilized for this calculation.</li> </ol> <p style="text-align: right;">(continued)</p>		

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- (7) **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 the noncompliance by properly determining if chemicals stored at the Facility met the definition of hazardous waste. Respondent mitigated the noncompliance by shipping 73 containers holding 36,423 pounds of hazardous waste from the Facility to a licensed disposal facility from 28 August 2017 through 22 February 2018.
- (8) **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:** Considered, but not utilized for this calculation.
- (9) **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:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence prior to the DEM's 18 July 2017 inspection.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

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

# PENALTY MATRIX WORKSHEET

CITATION: Incompatible Waste

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 VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b>FACTORS CONSIDERED:</b></p> <p>Taken from Part 1.10A.1.b of the DEM's <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <ol style="list-style-type: none"> <li>(1) <b>The extent to which the act or failure to act was out of compliance:</b> Respondent placed incompatible wastes into a t-pak container and failed to mix the wastes in a manner that did not initiate a fire. State and Federal regulations require generators of hazardous waste that mix incompatible wastes in a container do so in a manner that prevents the generation of extreme heat or pressure and does not initiate a fire.</li> <li>(2) <b>Environmental conditions:</b> The fire resulted from the uncontrolled mixing of incompatible materials and released potentially toxic gases to the atmosphere and the evacuation of nearby buildings.</li> <li>(3) <b>Amount of the pollutant:</b> At least 1 cubic yard of hazardous waste.</li> <li>(4) <b>Toxicity or nature of the pollutant:</b> Unknown – Respondent failed to keep track of the wastes in the t-pak container.</li> <li>(5) <b>Duration of the violation:</b> 1 day.</li> <li>(6) <b>Areal extent of the violation:</b> Considered, but not utilized for this calculation.</li> </ol>		
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- (7) **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 the noncompliance by mixing incompatible wastes in a manner that initiated a fire.
- (8) **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:** Considered, but not utilized for this calculation.
- (9) **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:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence of the incident.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** The fire exposed firefighters to hazardous materials and/or waste. Several firefighters required medical attention and at least 1 was transported to the hospital.

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

# PENALTY MATRIX WORKSHEET

CITATION: Training  
 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		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b>FACTORS CONSIDERED:</b></p> <p>Taken from Part 1.10A.1.b of the DEM's <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <ol style="list-style-type: none"> <li>(1) <b>The extent to which the act or failure to act was out of compliance:</b> Respondent failed to provide hazardous waste management training to employees who work with hazardous waste. State and Federal regulations require hazardous waste generators to provide hazardous waste training that teaches employees to perform their duties in a manner that ensures compliance with the regulations. 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.</li> <li>(2) <b>Environmental conditions:</b> Considered, but not utilized for this calculation.</li> <li>(3) <b>Amount of the pollutant:</b> 36,423 pounds of hazardous waste.</li> <li>(4) <b>Toxicity or nature of the pollutant:</b> Hazardous wastes that were in storage at the Facility included, but were not limited to, chromium, selenium, cyanide compounds, arsenic, lead, sulfuric acid, phosphoric acid, formic acid, potassium hydroxide, hydrogen peroxide and zinc powder. The metals are toxic when ingested or inhaled may cause severe damage to target organs like the liver, kidney or central nervous system. The corrosive wastes can cause severe burns to dermal and lung tissue.</li> <li>(5) <b>Duration of the violation:</b> Unknown.</li> <li>(6) <b>Areal extent of the violation:</b> Considered, but not utilized for this calculation.</li> </ol>		
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- (7) **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 the noncompliance by training its employees to properly manage hazardous waste. The mismanagement of hazardous waste at the Facility resulted in a fire at the Facility on 29 January 2018.
- (8) **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:** Considered, but not utilized for this calculation.
- (9) **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:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

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