

## **Veolia ES Technical Solutions LLC (Transfer Facility)**

### **Penalty Justification**

Based upon Guidelines for Characterizing RCRA Violations (January 1999)

#### **1. 40CFR273.53(a)                      TRANSFER STORAGE GREATER THAN 10 DAYS**

A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

VEOLIA computer database records for the “10-Day Material Log” (Transfer Area) with the earliest date of mid-February thru May 4 was printed and copies used as reference for this inspection. A review of the Log indicated numerous trailers (as many as 32 of the 83 trailers unloaded) were not unloaded within the 10-day transfer area timeframe.

The 10-day Material Log Records for two of the eleven trailers/vans indicated an “arrival date” of 4/24/06 and an “anticipated unload date” of 5/3/06. This inspection conducted on 5/4/06 revealed trailers/vans # 166537 and # 705787 had not been unloaded and were both at day 11 in the Transfer Area.

#### **(a) Potential for Harm**

**- Minor**

The RCRA ranking system in the Guidelines for Characterizing RCRA Violations (January 1999) for determining the Potential for Harm requires consideration of the following three categories: (1) nature of the waste, (2) volume of the waste, and (3) location of receptors of the waste. The material contained in the trailer/vans was all universal wastes that was containerized in accordance with DOT regulations. The material was not removed from the trailer or moved from trailer to trailer at this location. No discharge or potential for discharge was observed based on condition of the shipping containers inspected. The potential for exposure to people is minimal at this fenced location with only transport drivers frequenting the area and no PWS wells or surface waters in the immediate vicinity. The potential for harm is considered **Minor**.

#### **(b) Extent of Deviation**

**- Major**

The Extent of Deviation for a facility’s exceeding the 10-day time limit at the Universal Waste Transfer Area is **major**. Over a two to three month period more than 1/3 of all trailer/vans parked in the Transfer Area exceeded the 10-day limit. At the time of the inspection, two of eleven trailer/vans parked in the Transfer Area exceeded the 10-day limit

**PENALTY COMPUTATION WORKSHEET**

**Violator's Name:** Veolia ES Technical Solutions LLC (Transfer Facility)

**Waste Management Program:** Hazardous Waste Section

**Department Staff Responsible for the Penalty Computations:** James Byer

**Date:** August 24, 2006

**PART I - Class A Penalty Determination**

	<u>Violation Type</u>	<u>Potential for Harm</u>	<u>Extent of Dev.</u>	<u>Matrix Amount</u>	<u>Multi- day</u>	<u>Adjust- ments</u>	<u>Total</u>
1.	<u>40 CFR 273.53(a)</u> <u>TRANSFER STORAGE GREATER THAN 10 DAYS</u>	<u>Minor</u>	<u>Major</u>	<u>\$2,500</u>	<u>          </u>	<u>          </u>	<u>\$2,500</u>
2.	<u>                                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>
3.	<u>                                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>	<u>                  </u>

Total Penalties for all Violations: \$2,500



\_\_\_\_\_  
Michael S. Kennedy, P.G.  
Program Administrator  
Waste Management

August 1, 2006

\_\_\_\_\_  
Date

PENALTY COMPUTATION WORKSHEET

PART II – Multi-day Penalties and Adjustments

ADJUSTMENTS	Dollar Amount
Good faith/Lack of good faith prior to discovery: Justification: _____	_____
Good faith/Lack of good faith after discovery: Justification: _____	_____
History of non-compliance: _____ Justification: _____	
Economic benefit of non-compliance: Justification: _____	_____
Ability to pay: Justification: _____	_____
Total Adjustments:	=====

MULTI-DAY PENALTIES	Dollar Amount
Number of days adjustment factor(s) to be applied: Total Dollar Amount: Justification: _____	_____ =====
OR	
Number of days matrix amount is to be multiplied: Justification: _____	_____

Total Adjusted Penalty: \$2,500  
Department Expenses: \$250

PENALTY COMPUTATION WORKSHEET

Part III - Other Adjustments Made After Meeting with the  
Responsible Party

ADJUSTMENTS:	Dollar Amount
Relative merits of the case:	_____
Resource considerations:	_____
Other justification:	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Date

\_\_\_\_\_  
W. Richard Fancher  
District Director