

PENALTY COMPUTATION WORKSHEET

Violator's Name: International Paper

Waste Management Program: Hazardous Waste Section

Department Staff Responsible for the Penalty Computations: Melissa Woehle

Date: January 03, 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>Adjustments</u>	<u>Total</u>
1.	<u>40 CFR 261.5(g)(3)</u> <u>CESQG Failure to Ensure Proper Disposal</u>	<u>minor</u>	<u>major</u>	<u> </u>	<u> </u>	<u> </u>	<u>\$2,900</u>
2.	<u>40 CFR 261.5(g)(3)</u> <u>Universal Waste Labeling</u>	<u>minor</u>	<u>minor</u>	<u> </u>	<u> </u>	<u> </u>	<u>\$400</u>
3.	<u>40 CFR 279.22 (c)</u> <u>Used Oil Labeling</u>	<u>minor</u>	<u>minor</u>	<u> </u>	<u> </u>	<u> </u>	<u>\$150</u>
4.	<u>40 CFR 279.22 (d)</u> <u>Failure to Respond to Used Oil Release</u>	<u>minor</u>	<u>major</u>	<u> </u>	<u> </u>	<u> </u>	<u>\$900</u>

Total Penalties for all Violations: \$4,350

MW
4-10-06
(10%)
- 435
\$ 3,915

W. Richard Fancher
District Director

Date

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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: ~~\$4,350~~ 3,915
Department Expenses: ~~\$250~~
NW
4-10-06

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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

International Paper

Penalty Justification

Based upon Guidelines for Characterizing RCRA Violations (January 1999)

1. 40 CFR 261.5(g)(3)

CESQG Failure to Ensure Proper Disposal (17.3)

Waste fuel filters were found in the regular trash. Fuel filters generally are characteristically hazardous (D001/D039) when disposed of. Fluorescent tubes were found abandoned and broken in the wood yard area and generally are characteristically hazardous (D008). The spent dip tank solution located behind the machine shop was characteristic hazardous waste (D002). No determination has been made on whether heavy metals or other contaminants may become entrained as a result of its use. The hose connected to the bottom of the tank appeared to be there for the purpose of draining the dip tank onto the road and no other explanation was offered.

(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.

(1) The nature of the hazardous waste in question is a Category 2 waste and is assigned a score of "4".

(2) The volume of waste involved in the violation less than six 55-gallon drums. A score of "2" is the appropriate assignment.

(3) In regards to location of receptors of the waste, a score of "4" is assigned because the violation did involve an actual discharge. A score of "2" is assigned (potential exposure to people) since ten to 100 people were potentially exposed.

<u>Category</u>	<u>Score</u>
Nature of Waste	4
Volume of Waste	2
Location of receptor:	
a. Discharge to environment	4
b. Potential exposure to people	2
Total	<u>12</u>

When using the Guidelines for Characterizing RCRA Violations (January 1999), a minor "Potential for Harm" designation is assigned a total score of 8 to 12.

(b) Extent of Deviation - Major

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for CESQG failure to ensure proper disposal is major.

2. 40 CFR 273.13 (d)(1) Failure to Label Universal Waste Lamps (7.1)

The boxes containing used lamps were not labeled or closed.

(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.

(1) The nature of the hazardous waste in question is a Category 2 waste and is assigned a score of "4".

(2) The volume of waste involved in the violation less than six 55-gallon drums. A score of "2" is the appropriate assignment.

(3) In regards to location of receptors of the waste, a score of "4" is assigned because the violation did involve an actual discharge. A score of "2" is assigned (potential exposure to people) since ten to 100 people were potentially exposed.

<u>Category</u>	<u>Score</u>
Nature of Waste	4
Volume of Waste	2
Location of receptor:	
a. Discharge to environment	4
b. Potential exposure to people	2
Total	<u>12</u>

When using the Guidelines for Characterizing RCRA Violations (January 1999), a minor "Potential for Harm" designation is assigned a total score of 8 to 12.

(b) Extent of Deviation - Minor

In accordance with the Guidelines for Characterizing RCRA Violations (January 1999), the Extent of Deviation for a facility failing to properly label less than 25% of their hazardous waste is minor.

3. 40 CFR 279.22(c) Failure to Label Containers "USED OIL" (20.1)

The 350-gallon tank used to store used oil in the Partridge-Sibley parking area was about ¼ full and not labeled. Three 5-gallon buckets beside the tank were not labeled and had been left in place long enough to catch rainwater.

(a) Potential for Harm - Minor

When using the Guidelines for Characterizing Used Oil Violations (August 1998), a minor "Potential for Harm" designation is assigned for failure to label containers "Used Oil."

(b) Extent of Deviation - Minor

In accordance with the Guidelines for Characterizing Used Oil Violations (August 1998), the Extent of Deviation for failure to label less than 165 gallons of used oil is minor.

4. 40 CFR 279.22(d) Failure to Respond to Used Oil Release (18.1)

The ground around the used oil tank in the Partridge-Sibley area was stained with used oil about one to two inches deep and about one to two feet out around the tanks. There was also a small area of stained soil behind the storage building. There was no evidence of any attempt to remove the stained soil.

(a) Potential for Harm - Minor

The amount of used oil released to the ground was determined to be less than 25 gallons through visual inspection. In accordance with the Guidelines for Characterizing Used Oil Violations (January 1998), the Potential for Harm for a release of less than 25 gallons is minor.

(b) Extent of Deviation - Major

In accordance with the Guidelines for Characterizing Used Oil Violations (January 1998), the Extent of Deviation for "failure to respond to a used oil release" is major.