

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 1

Violation Description: **Failure to Notify of Baghouse Bypass**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
CHA personnel responded to the baghouse bypass appropriately.
 - (b) Extent of Deviation – **MINOR**
CHA still self-reported the baghouse bypass, only not within the requisite timeframe.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the failure to send notification of the baghouse bypass did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$108.50

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 2

Violation Description: **Failure to Notify Generators CHA had Proper Permits**

1. Gravity Based Penalty: **\$4,940.00**
 - (a) Potential for Harm – **MODERATE**
Failing to notify, or inaccurately notifying, generators that CHA has the appropriate permits to manage their waste can result in wastes arriving at CHA that they cannot handle and ultimately must reject. This increases the distance the waste needs to be transported as well as the number of people potentially exposed.
 - (b) Extent of Deviation – **MAJOR**
CHA has indicated that they can receive waste that is explicitly prohibited in their permit. The waste was clearly labelled both on the drum and on the associated profiles and manifests.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the failure to send notifications to generators did not provide CHA with any economic benefit. Also see violations 3 and 13.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$4,940.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 3

Violation Description: **Incinerating Pyrophoric Materials**

1. Gravity Based Penalty: **\$4,940.00**
 - (a) Potential for Harm – **MODERATE**
CHA is not properly equipped to handle or manage pyrophoric waste.
 - (b) Extent of Deviation – **MAJOR**
CHA is prohibited from accepting pyrophoric wastes, let alone incinerating them. Incinerating a waste that should not have been accepted implies numerous processes failed.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – Economic benefit \$400. The Division estimates this to be the cost to transport the waste in question to a facility that could accept and treat it.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$3,858.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 4

Violation Description: **Improperly Storing Flammable Liquids**

1. Gravity Based Penalty: **\$3,380.00**
 - (a) Potential for Harm – **MODERATE**

The storage areas where flammable liquids are permitted are equipped with additional fire suppression mechanisms. Storing flammable liquids outside of these areas for extended periods of time increases the risk that a fire could occur in an area that is not equipped to handle it.
 - (b) Extent of Deviation – **MODERATE**

Multiple containers were found to be stored outside of E6 or E7 for extended periods of time. However, all containers in question were kept in general hazardous waste storage areas.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that improperly storing flammable liquids did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$3,380.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 5

Violation Description: **Storing Oxidizers Next to Incompatible Materials**

1. Gravity Based Penalty: **\$6,760.00**
 - (a) Potential for Harm – **MAJOR**

A container labelled as an oxidizer was stored on the same pallet as a container labelled as a flammable liquid. These two classes of materials are incompatible and could cause a fire or explosion if spilled or mixed.
 - (b) Extent of Deviation – **MINOR**

The drums in question were in the OFFC storage area, which, except for the incompatibility, was appropriate. Also, the drums were segregated immediately during the inspection.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that storing incompatible materials improperly did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$6,760.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 6

Violation Description: **Failure to Transfer Hazardous Waste from a Container in Poor Condition**

1. Gravity Based Penalty: **\$2,080.00**
 - (a) Potential for Harm – **MODERATE**
Inspectors noted evidence of spills and bulging drums/lids. Both increase the potential risk of exposure to workers and the environment.
 - (b) Extent of Deviation – **MINOR**
The majority of containers managed at the facility were in good condition. Additionally, this has not been a regular or recurring finding during compliance assistance visits.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that by not transferring improperly contained waste did not provide CHA with any economic benefit as they have overpack containers on site.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$2,080.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 7

Violation Description: **Storing Hazardous Waste in Open Containers**

1. Gravity Based Penalty: **\$2,080.00**
 - (a) Potential for Harm – **MODERATE**
Open containers increase the potential of spillage and risk of exposure to employees.
 - (b) Extent of Deviation – **MINOR**
Most of the containers on-site were managed properly. Additionally, this has not been a regular or recurring finding during compliance assistance visits.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the open containers did not provide CHA with any economic benefit as they have proper containers and overpack containers on site.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$2,080.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 8

Violation Description: **Storing Infectious Waste Above 40 °F**

1. Gravity Based Penalty: **\$260.00**
 - (a) Potential for Harm – **MINOR**
The containers were not stored above 40 °F for an extended period of time and were stored in areas with secondary containment.
 - (b) Extent of Deviation – **MINOR**
Only four drums were stored outside of the correct time/temperature window. Most drums were stored correctly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that storing the containers above the permitted temperature did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$208.00

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Violation Number 9

Violation Description: **Storing Infectious Waste for more than 60 Days**

1. Gravity Based Penalty: **\$260.00**
 - (a) Potential for Harm – **MINOR**
The wastes in question were stored properly and did not present an increased risk to human health or the environment for staying on site more than 60 days.
 - (b) Extent of Deviation – **MINOR**
The majority of infectious waste managed by the facility are managed appropriately. Additionally, CHA was operating under an extension on their unloading timelines, which, while not an excuse, did contribute to the violation.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that storing the containers outside of refrigerated storage did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$182.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 10

Violation Description: **Tank pH excursion longer than four days**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The pH of the tank was never less than 4.0. Also, the low pH excursions are less likely to corrode the tanks than high pH excursions.
 - (c) Extent of Deviation – **MINOR**
The pH of the tank was corrected quickly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the pH excursion did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$108.50

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 11

Violation Description: **Inadequate Waste Analysis for Onsite Waste**

1. Gravity Based Penalty: **\$2,600.00**
 - (a) Potential for Harm – **MODERATE**
Improperly analyzing wastes can lead to mischaracterizing the hazards and therefore mismanaging the waste.
 - (b) Extent of Deviation – **MINOR**
Multiple different analyses were either not completed or completed incorrectly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the waste analysis discrepancies did not provide CHA with any economic benefit. In most cases, the analyses were conducted but conducted incorrectly. Therefore, there is no personnel time that was saved. Also, the management of the waste would not have changed dramatically had the waste analysis been conducted properly.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$2,600.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 12

Violation Description: **Incorrectly categorizing APHIS Waste**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The same, or similar, characterization was used to manage the waste as would have been required.
 - (b) Extent of Deviation – **MINOR**
Most of the waste was characterized properly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance - Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the incorrect categorization of APHIS waste did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$124.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 13

Violation Description: **Profiles not Specific to a Generator**

1. Gravity Based Penalty: **\$13,000.00**
 - (a) Potential for Harm – **MAJOR**
Profiles are intended to describe specific waste streams from specific generators so that transporters and disposal facilities know what they will be managing. Non-specific profiles can lead to waste being mismanaged and transported unnecessarily.
 - (b) Extent of Deviation – **MAJOR**
Multiple different, non-specific profiles were used on different waste streams from various generators.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 20%, previously cited in FY19 and FY20 SCOs, but are held in abeyance until the EPA completes their enforcement action
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the economic benefit to CHA is too difficult to determine. The economic benefit to Clean Harbors as a corporation is likely considerable, as removing the non-specific profiles would likely require completely reconfiguring their Central Profiling / Waste Routing processes. However, what portion of this economic benefit carries over to Aragonite specifically is impossible to determine.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$15,600.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 14

Violation Description: **Failure to Provide Final Profile Approval**

1. Gravity Based Penalty: **\$780.00**
 - (a) Potential for Harm – **MINOR**
Profiles were assigned to the waste streams in question, but the facility was not able to properly document the final profile approval.
 - (b) Extent of Deviation – **MODERATE**
There were several unique scenarios involving different profiles and waste streams from different generators where final approval was unavailable. This implies the violation was more than a one-off accident.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the failure to provide final profile approval did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$780.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 15

Violation Description: **Discrepancies in Waste Acceptance Processes**

1. Gravity Based Penalty: **\$10,000.00**
 - (a) Potential for Harm – **MAJOR**

The waste acceptance process is designed to ensure that wastes arriving at the facility match the profile and that wastes are managed properly. Failing to properly characterize a waste can lead to mismanagement. Additionally, failing to properly identify and characterize waste harms the foundational purpose of the hazardous waste program, which includes proper characterization / verification and treatment of hazardous waste.
 - (b) Extent of Deviation – **MODERATE**

Numerous instances were documented during the inspection, but the majority of the wastes managed at the facility are accepted properly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the discrepancies during waste acceptance did not provide CHA with any economic benefit. Similar to violation 11, in most cases, the analyses were conducted incorrectly. Therefore, there is no personnel time that was saved. Also, the management of the waste would not have changed dramatically had the waste analysis been conducted properly.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$10,000.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 16

Violation Description: **Improperly Conducting Reactive Sulfide Screen**

1. Gravity Based Penalty: **\$7,800.00**
 - (a) Potential for Harm – **MAJOR**

The sulfide screen is required to determine if wastes are particularly reactive and therefore require additional management and segregation. The reagent used to run the sulfide screen was not formulated properly and therefore the sulfide screen was not accurate.
 - (b) Extent of Deviation – **MODERATE**

Only one incorrectly formulated reagent was documented being used. It is unknown how long the incorrect formulation was actively in use in the lab. However, the logbook shows the reagent in question was formulated on March 4, 2021, six months prior to the inspection.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the incorrect formulation did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$7,800.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 17

Violation Description: **Failure to Conduct Liquid Compatibility Test**

1. Gravity Based Penalty: **\$2,080.00**
 - (a) Potential for Harm – **MODERATE**
Compatibility tests are intended to ensure that reactions do not occur when different materials are mixed in tanks. There are other safeguards in place to protect against this and mitigate the potential effects of a reaction.
 - (b) Extent of Deviation – **MINOR**
Only one instance was documented.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that failing to conduct the compatibility test did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,456.00

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Violation Number 18

Violation Description: **Failure to Conduct Solid Compatibility Test**

1. Gravity Based Penalty: **\$2,080.00**
 - (a) Potential for Harm – **MODERATE**
Compatibility tests are intended to ensure that reactions do not occur when different materials are mixed in tanks. There are other safeguards in place to protect against this and mitigate the potential effects of a reaction.
 - (b) Extent of Deviation – **MINOR**
Only one instance was documented.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that failing to conduct the compatibility test did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,456.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 19

Violation Description: **Failure to Assign Highest Documented PCB Concentration**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The failure to assign PCB concentration did not result in any mismanagement of the waste. Additionally, PCB limits were not exceeded.
 - (b) Extent of Deviation – **MINOR**
Only one instance was documented.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that failing to assign PCB values to wastes streams did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$108.50

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 20

Violation Description: **Failure to Maintain Proper Lab Logbooks**

1. Gravity Based Penalty: **\$1,560.00**
 - (a) Potential for Harm – **MODERATE**

Most of the information in the logbooks would allow for reagents to be traced and recreated. However, some expiration dates were overlooked. Additionally, the violation also potentially harms the foundational regulatory purpose of the hazardous waste program, which includes proper recordkeeping, accurate characterization, verification of results (quality control), and ultimately the proper management of hazardous waste.
 - (b) Extent of Deviation – **MINOR**

The errors were small, and while most lab books inspected contained multiple errors, the majority of the information required was present.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that inaccuracies in the lab logbooks did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,560.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 21

Violation Description: **Laboratory Manager Completing QA Officer Reports**

1. Gravity Based Penalty: **\$260.00**
 - (a) Potential for Harm – **MINOR**
The reports in question contained the required information, but they were not completed by an independent person, the QA Officer.
 - (b) Extent of Deviation – **MINOR**
The report in question contained the required information, and it does appear that necessary corrective actions were taken to correct errors discovered.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – Increased 30% – The role of the Quality Assurance officer and the necessity for independent review of laboratory data was discussed thoroughly as part of a Class 1 Permit Modification (DSHW-2020-013927). This violation directly relates to and occurred after those discussions.
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the laboratory manager completing the QA reports did not provide CHA with any economic benefit. As part of the permit modification discussed above, CHA was not planning on hiring additional personnel to fill the QA role, and as such, personnel costs would not have changed.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$338.00

**NARRATIVE EXPLANATION TO SUPPORT
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Violation Number 22

Violation Description: **Failure to Complete Required Inspections**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
Personnel were consistently in the Shred Tower area, and many of the systems therein were being updated and calibrated during the first few months of its operation. The evacuation drill was conducted, but the documentation was unclear.
 - (b) Extent of Deviation – **MINOR**
Most of the required inspections were completed, and the deficiencies noted were immediately corrected.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the missed inspections did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$155.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 23

Violation Description: **Failure to Complete Required Trainings**

1. Gravity Based Penalty: **\$520.00**
 - (a) Potential for Harm – **MINOR**
Most of the courses noted seem to have been completed by the personnel outside of required timeframes. Additionally, the qualification program should ensure that employees receive on-the-job training before completing tasks without supervision.
 - (b) Extent of Deviation – **MODERATE**
Multiple employees were either late completing their training or missing documentation that required courses were completed.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the missed trainings did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$572.00

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2205051

Violation Number 24

Violation Description: **Holding Rejected Waste Longer than 60 Days**

1. Gravity Based Penalty: **\$2,080.00**
 - (a) Potential for Harm – **MODERATE**
Rejected wastes are usually wastes that present some type of hazard that CHA is not prepared to manage. Having the rejected waste on site for an extended period of time increases the risks of mismanagement of these wastes.
 - (b) Extent of Deviation – **MINOR**
Most of the reject containers are managed in a timely manner.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that holding rejected wastes longer than 60 days did not provide CHA with any economic benefit. The wastes were still ultimately shipped off site.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,664.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 25

Violation Description: **Failure to Conduct Required Calibrations**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The missing glovebox LEL calibration was bookended by proper calibrations. The ABC O2 monitor was not in use at the time of the inspection. During the time frame specified, the shred tower was still coming online and was constantly being tweaked and calibrated.
 - (b) Extent of Deviation – **MINOR**
Most of the calibrations were conducted properly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the missed calibrations did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$155.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 26

Violation Description: **Failure to Maintain Combustion Air Above 12,000 acfm**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The length of time that there was inadequate air draw was minimal.
 - (b) Extent of Deviation – **MINOR**
The amount of air pulled was sufficient most of the time.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the inadequate combustion air flow did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$170.50

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 27

Violation Description: **Storing Waste Outside of a Container**

1. Gravity Based Penalty: **\$10,000.00**
 - (a) Potential for Harm – **MAJOR**
Large piles of unlabeled, uncontained waste present an outsized risk of exposure to both personnel and the environment. This violation also poses major harm to the foundational regulatory purpose of the hazardous waste program, which includes properly storing and containing hazardous waste to prevent harm to human health and the environment.
 - (b) Extent of Deviation – **MODERATE**
There was only one instance documented during the inspection, but the amount of uncontained waste was considerable.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the un-containerized waste did not provide CHA with any economic benefit. The facility maintains ample supply of containers and overpacks, and the waste was properly contained within a day of discovery.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$10,000.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 28

Violation Description: **Accumulating Onsite Waste for Longer than 90 Days**

1. Gravity Based Penalty: **\$155.00**
 - (a) Potential for Harm – **MINOR**
The waste in question was not mis-managed aside from exceeding the 90-day accumulation limit.
 - (b) Extent of Deviation – **MINOR**
Most of the waste generated onsite is managed properly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the extended accumulation of waste did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$108.50

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 29

Violation Description: **Storing Site Generated Waste in Open, Unlabeled Containers**

1. Gravity Based Penalty: **\$2,600.00**
 - (a) Potential for Harm – **MODERATE**
Open containers increase the risk of exposure to hazardous waste.
 - (b) Extent of Deviation – **MINOR**
Some of the containers were completely open, while others were simply closed improperly. Also, most of the containers on-site were managed properly.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – N/A
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the open containers did not provide CHA with any economic benefit as they have proper containers and overpack containers on site.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$2,600.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 30

Violation Description: Shipping Hazardous Waste without a Manifest

1. Gravity Based Penalty: **\$1,560.00**
 - (a) Potential for Harm – **MODERATE**
Shipping wastes without a manifest and not properly addressing discrepancies could lead to lost wastes and mismanagement. Failing to use the manifest system also poses some harm to the foundational regulatory purpose of the hazardous waste program, which includes accurately tracking waste throughout its life. However, most manifests were completed correctly.
 - (b) Extent of Deviation – **MINOR**
Most waste shipments were completed with manifests were prepared, and discrepancies were appropriately noted.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – Additional \$20. The three containers in question would have been shipped on the same manifest. The economic benefit was evaluated and determined to be \$20 per manifest not filed.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,112.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 31

Violation Description: **Accumulating Hazardous Waste greater than One Year**

1. Gravity Based Penalty: **\$1,560.00**
 - (a) Potential for Harm – **MODERATE**
The waste in question was not mis-managed aside from exceeding the accumulation time. However, the one-year accumulation limit is a cornerstone principle of Land Disposal Restrictions, and violating it presents some institutional harm.
 - (b) Extent of Deviation – **MINOR**
Nearly all of the containers managed were disposed of within the required timeframe.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 15% – CHA notified the Division of one out of two noted violations
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – N/A
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – The Division has determined that the extended accumulation of waste did not provide CHA with any economic benefit.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$1,326.00

**NARRATIVE EXPLANATION TO SUPPORT
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 2205051

Violation Number 32

Violation Description: **Incinerating Metal Bearing Waste**

1. Gravity Based Penalty: **\$7,800.00**
 - (a) Potential for Harm – **MAJOR**
Feeding prohibited wastes would increase the emissions of metals. Additionally, the prohibition on incinerating metal wastes as a form of dilution is cornerstone principle of Land Disposal Restrictions, and violating it presents institutional harm.
 - (b) Extent of Deviation – **MINOR**
The amount of prohibited waste fed was minimal.
 - (c) Multiple/Multi-day – N/A
2. Adjustment Factors (if applicable)
 - (a) Good faith – Decreased 30% – CHA notified the Division of the violation.
 - (b) Willfulness/Negligence – N/A
 - (c) History of Compliance or Noncompliance – Increased 10% – This issue was cited in the previous NOV/SCO.
 - (d) Ability to pay – N/A
 - (e) Other Unique Factors – N/A
3. Economic Benefit – Economic benefit \$400. The Division estimates this to be the cost to transport the waste in question to a facility that could accept and treat it.
4. Recalculation of Penalty based on New Information – N/A

TOTAL: \$6,640.00