

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

NOV # 2001004

Violation Number from NOV 1

Violation Description: WAP SOPs

Note: Numbering matches numbering in spreadsheet

1. Gravity Based Penalty: \$4,160
 - (a) Potential for Harm: **MODERATE**. Not following the SOPs could lead to inaccurate information about the wastes, which in turn could lead to mismanagement.
 - (b) Extent of Deviation: **MODERATE**. Although CHA had SOPs in place, the errors noted would have affected a significant number of the samples analyzed.
 2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were 14 items cited in the NOV. Items b.v, d.i, and e.ii were contested by CHA. Although DWMRC determined that these are important issues that need to be corrected, they have been dropped from the penalty calculations. The high end of the penalty range was used to account for the other violations.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The analyses were being performed and the mistakes that were being made would not save any significant time or money.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$4,160**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 2

Violation Description: **BTU Analysis**

1. Gravity Based Penalty: \$0
 - (a) Potential for Harm: N/A
 - (b) Extent of Deviation: N/A
 2. Multiple/Multi-day: \$0
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV. CHA disputes this violation. CHA provided additional information confirming that this was not a violation. The violation has been dropped.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – N/A
 16. Adjustment for Ability to Pay: N/A
- Total: **\$0**

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

NOV # 2001004

Violation Number from NOV 3

Violation Description: **Vent Opening Reports**

1. Gravity Based Penalty: \$100
 - (a) Potential for Harm: **MINOR**. There would be no direct impact to human health or the environment from the late reports. There were incident reports to document the vent openings for the reports that weren't submitted.
 - (b) Extent of Deviation: **MINOR**. Most of the reports were submitted and submitted on time. The reports that were late were a few days late, at most.
2. Multiple/Multi-day: \$84
 - (a) Number of Violations or Days of Violation: There were six instances cited in the NOV. The gravity-based penalty was used as the violations were separate and distinct, rather than multi-day.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The time required to write and submit these reports would be minimal.
16. Adjustment for Ability to Pay: N/A

Total: **\$520**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 4

Violation Description: **Baghouse Bypass Reports**

1. Gravity Based Penalty: \$100
 - (a) Potential for Harm: **MINOR**. There would be no direct impact to human health or the environment from the late reports. There were incident reports to document the baghouse bypasses for the reports that weren't submitted.
 - (b) Extent of Deviation: **MINOR**. Most of the reports were submitted and submitted on time. The reports that were late were only a few days late, at most.
2. Multiple/Multi-day: \$140
 - (a) Number of Violations or Days of Violation: There were four instances cited in the NOV. The gravity-based penalty was used since the violations were separate and distinct, rather than multi-day.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The time required to write and submit these reports would be minimal.
16. Adjustment for Ability to Pay: N/A

Total: **\$520**

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

NOV # 2001004

Violation Number from NOV 5

Violation Description: WAP QAP

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Not following the quality assurance procedures could lead to inaccurate information about the wastes, which in turn could lead to mismanagement.
 - (b) Extent of Deviation: **MINOR**. CHA was following some aspects of the QAP.
2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were 11 items cited in the NOV. Items i, ii, vi, viii, ix, x, and xi were contested by CHA.
 - (item i) It is important that CHA follow the Permit QAP. If a more detailed plan is needed, CHA should incorporate all requirements for both programs into the Permit QAP and ensure that it is being followed. However, it appears that there may have been a miscommunication during the inspection, so item i has been dropped from the penalty calculation.
 - (items ii and ix) DWMRC believes that the QAO must be independent from the people generating the data and should report directly to the General Manager. Also, the QAP requires the QAO to be a separate person. Moreover, based on all the issues found, it appears that the Lab Manager did not properly QA themselves. This is a critical position to ensure data quality and proper waste management.
 - (item vi) CHA responded that the cyanide audit failure corrective action report was done. However, the audit report was not completed and did not specify who the responsible party was that caused the incident.
 - (item viii) The corrective action report for the BTU corrective action was not completed/filled out properly.
 - (item x) DWMRC has determined that there was insufficient evidence to show that the sample bottles were improperly labeled at the time of sampling (the bottles in the picture were staged prior to sampling). Item x has been dropped from the penalty calculations.
 - (item xi) DWMRC disagrees with CHA's interpretation of Aragonite-6 (Radioactivity Screen). The method was intended to be used on all wastes entering the facility. It was also noted that the method was being performed incorrectly in the E-5 lab and Admin lab by not opening the jar and placing the monitor over the open container. The container will shield some of the radioactivity and the results will be biased low if measured through the container. However, DWMRC agrees that the language in the Permit is ambiguous, and the best remedy is to modify the Permit, rather than pursue further enforcement action. Item xi has therefore been dropped from the penalty calculations.

The other violations were accounted for in the gravity-based penalty.

5. Adjustment for Good Faith: N/A

6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – Although the cost avoided by not hiring a QAO would be substantial, the duties of a QAO could have been assigned to someone at the facility with knowledge of laboratory operations who was independent of the chemists and management.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 6

Violation Description: **Categorize Waste**

1. Gravity Based Penalty: \$100
 - (a) Potential for Harm: **MINOR**. The mischaracterization would affect the incineration chemistry for the wastes when fed to the incinerator. The chemistries of the various categories are fairly similar, and the contribution of each container to the overall incineration feed chemistry would be minimal.
 - (b) Extent of Deviation: **MINOR**. Most of the wastes were categorized correctly.
2. Multiple/Multi-day: \$140
 - (a) Number of Violations or Days of Violation: There were four instances cited in the NOV. The gravity-based penalty was used as the violations were separate and distinct, rather than multi-day.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – There would be no additional time or effort needed to properly categorize these wastes.
16. Adjustment for Ability to Pay: N/A

Total: **\$520**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 7

Violation Description: **Waste Profiles**

1. Gravity Based Penalty: \$0

(a) Potential for Harm: N/A

(b) Extent of Deviation: N/A

As a result of EPA's ongoing waste profile review, DWMRC has agreed to withdraw this violation until EPA has determined what enforcement action, if any, it will pursue. DWMRC may reinstate this penalty in accordance with applicable laws and rules.

2. Multiple/Multi-day: N/A

(a) Number of Violations or Days of Violation: There were 3 items cited, CHA contests all of them. DWMRC disagrees with CHA's position. These "generic" profiles are overly broad and do not meet the requirements of the Permit. As noted above, DWMRC has agreed to withdraw this violation until EPA has determined what enforcement action, if any, it will pursue.

5. Adjustment for Good Faith: N/A

6. Adjustment for Willfulness/Negligence: N/A

7. Adjustment for History of Compliance or Noncompliance: N/A

8. Adjustment for Other Unique Factors: N/A

14. Adjustment for Economic Benefit: \$0 – The cost of completing necessary profiles would be charged to the customer.

16. Adjustment for Ability to Pay: N/A

Total: **\$0**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 8

Violation Description: Waste Analysis

1. Gravity Based Penalty: \$520
 - (a) Potential for Harm: **MINOR**. At the time of the inspection, CHA had not implemented significant portions of the revised waste analysis procedures adopted in May 2016. CHA was performing waste analysis under the procedures prior to May 2016. The mischaracterizations cited would affect the incineration chemistry for the wastes when fed to the incinerator. The chemistries were fairly similar, and the contribution of each container to the overall incineration feed chemistry would be minimal.
 - (b) Extent of Deviation: **MODERATE**. Although CHA has put considerable time and effort this year into updating the analyses adopted in May 2016, over the past three years very little progress had been made.
 2. Multiple/Multi-day: \$520
 - (a) Number of Violations or Days of Violation: There were ten instances cited in the NOV. Item x was contested by CHA. It has been dropped from the penalty calculations. The gravity-based penalty was used as the violations were separate and distinct, rather than multi-day.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$3120 – Since CHA must still conduct these analyses; it would be a delayed cost, rather than an avoided cost. Assuming 10 samples each year for three years for half of 48 waste category/hazard class combinations and \$240 per sample at 1.018% yield.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$7,800**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 9

Violation Description: **Inspections**

1. Gravity Based Penalty: \$130
 - (a) Potential for Harm: **MINOR**. There would be no direct impact to human health or the environment from the late or missing reports – the deficient items would not have been corrected any earlier. DWMRC accepts CHA’s assertion that the inspection was likely conducted, and the paperwork misplaced.
 - (b) Extent of Deviation: **MINOR**. Most of the reports were submitted and submitted on time. Most of the inspections were done and documented properly.
2. Multiple/Multi-day: \$130
 - (a) Number of Violations or Days of Violation: There were four instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The time required to write and submit these reports would be minimal.
16. Adjustment for Ability to Pay: N/A

Total: **\$520**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 10

Violation Description: **Personnel Training**

1. Gravity Based Penalty: \$120
 - (a) Potential for Harm: **MINOR**. Most of the required training was completed; there were a few that were completed late or not documented properly.
 - (b) Extent of Deviation: **MINOR**. Most of the training was conducted as required. However, many of the courses listed in the training summaries did not have documentation in the training files.
 2. Multiple/Multi-day: \$100
 - (a) Number of Violations or Days of Violation: There were twelve instances cited in the NOV. CHA contested and provided missing documentation and/or explanations for ten of the instances. There was still missing documentation for contested items vii, viii, and x. The multiple violations were accounted for in the gravity-based penalty.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The cost for the time to conduct the training would be insignificant.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$520**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 11

Violation Description: **Emergency Equipment**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. Although access to the emergency shower/eye wash was blocked an individual could move the ladder. The ladder that was blocking the emergency shower/eye wash was moved immediately during the inspection.
 - (b) Extent of Deviation: **MINOR**. The emergency equipment is accessible most of the time.

2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.

5. Adjustment for Good Faith: N/A

6. Adjustment for Willfulness/Negligence: N/A

7. Adjustment for History of Compliance or Noncompliance: N/A

8. Adjustment for Other Unique Factors: N/A

14. Adjustment for Economic Benefit: \$0 – There was no economic benefit to having the emergency shower/eye wash blocked.

16. Adjustment for Ability to Pay: N/A

Total: **\$155**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 12

Violation Description: **Manifests**

1. Gravity Based Penalty: \$7,800
 - (a) Potential for Harm: **MAJOR**. Shipping wastes without a manifest and not properly addressing discrepancies could lead to lost wastes and mismanagement.
 - (b) Extent of Deviation: **MODERATE**. Problems were found with several manifests.
 2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were five instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The time required to prepare a manifest and properly note discrepancies would be insignificant.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$7,800**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 13

Violation Description: **PCB Reporting**

1. Gravity Based Penalty: \$0
 - (a) Potential for Harm: **N/A**
 - (b) Extent of Deviation: **N/A**
 2. Multiple/Multi-day: \$0
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV. CHA disputes this violation. The violation has been dropped.
 5. Adjustment for Good Faith: **N/A**
 6. Adjustment for Willfulness/Negligence: **N/A**
 7. Adjustment for History of Compliance or Noncompliance: **N/A**
 8. Adjustment for Other Unique Factors: **N/A**
 14. Adjustment for Economic Benefit: **\$0 – N/A**
 16. Adjustment for Ability to Pay: **N/A**
- Total: **\$0**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 14

Violation Description: **Spent Carbon Tracking**

1. Gravity Based Penalty: \$700
 - (a) Potential for Harm: **MINOR**. The material was managed appropriately; the violations related to the recordkeeping.
 - (b) Extent of Deviation: **MODERATE**. CHA did not comply with most of the requirements for accepting and tracking this site-generated waste.
 2. Multiple/Multi-day: \$690
 - (a) Number of Violations or Days of Violation: There were three instances cited in the NOV. The gravity-based penalty was used as the violations were separate and distinct, rather than multi-day.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The time required to properly track this waste would be insignificant.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 15

Violation Description: **Rejects > 60 Days**

1. Gravity Based Penalty: \$5,270
 - (a) Potential for Harm: **MAJOR**. Rejected wastes are usually wastes that present some type of hazard that CHA is not prepared to manage. Having the waste on site for an extended period of time increases the risks these wastes pose.
 - (b) Extent of Deviation: **MINOR**. Most of the reject containers are managed in a timely manner.
2. Multiple/Multi-day: \$5,270
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The containers were shipped off-site, just not in a timely manner.
16. Adjustment for Ability to Pay: N/A

Total: **\$5,270**

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

NOV # 2001004

Violation Number from NOV 16

Violation Description: **Green Barcodes**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. Although improper labeling could lead to mismanagement, there are other systems in place to ensure they would not be improperly managed.
 - (b) Extent of Deviation: **MINOR**. Most of the containers were labeled correctly.
2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The time required to properly label the containers would be insignificant.
16. Adjustment for Ability to Pay: N/A

Total: **\$155**

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

NOV # 2001004

Violation Number from NOV 17

Violation Description: **Ignitables**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Storing ignitables in an area not designed and equipped to properly manage the hazards would create a substantial risk. However, the ignitables were stored inappropriately for a relatively short period of time.
 - (b) Extent of Deviation: **MINOR**. Most of the ignitables are stored in properly designated areas. These containers were immediately moved to an appropriate storage area.
 2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were three instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There would be no economic benefit as there are other places at the facility where these materials could have been stored.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

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

NOV # 2001004

Violation Number from NOV 18

Violation Description: **Incompatibles**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Storing incompatibles together would create a substantial risk. The incompatibles were stored inappropriately for a relatively short period of time.
 - (b) Extent of Deviation: **MINOR**. Most of the incompatibles are segregated. These containers were immediately separated and moved to appropriate storage areas.
 2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were two instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There would be no economic benefit as there are other places at the facility where these materials could have been stored.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

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

NOV # 2001004

Violation Number from NOV 19

Violation Description: **Transport Vehicle > 10 days**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. The violation involved one truck for a short period of time.
 - (b) Extent of Deviation: **MINOR**. CHA has been operating for months under a temporary extension allowing them to have longer than ten days to offload incoming vehicles. Hundreds of transport vehicles were not unloaded within the ten-day limit under this extension, where this only involved one vehicle.
 2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There was no economic benefit.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$155**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 20

Violation Description: Aisle Space

1. Gravity Based Penalty: \$1,560
 - (a) Potential for Harm: **MODERATE**. Not having adequate access to all of the containers could present a significant risk, especially during an emergency. The problem occurred in one small area that was quickly remedied.
 - (b) Extent of Deviation: **MINOR**. CHA maintains sufficient aisle space most of the time.
 2. Multiple/Multi-day: \$1,560
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There was room to place the containers such that there would have been adequate aisle space.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$1,560**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 21

Violation Description: **Waste Tracking**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Improper tracking of wastes could lead to lost wastes and mismanagement.
 - (b) Extent of Deviation: **MINOR**. Most items were tracked correctly.
 2. Multiple/Multi-day: \$2,080
 - (a) Number of Violations or Days of Violation: There were eight instances cited in the NOV. Items i through v were contested by CHA. They were dropped from the penalty calculation. The gravity-based penalty was used because the violations were separate and distinct, rather than multi-day.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There is no economic benefit to track wastes incorrectly.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$6,240**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 22

Violation Description: **Wastes not on Pallets**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. Because there were only two drums, the drums could have easily been moved without pallets. They were moved as soon as the issue was discovered.
 - (b) Extent of Deviation: **MINOR**. Most of the wastes are stored on pallets.
 2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – There was already plenty of pallets on site.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$155**

**NARRATIVE EXPLANATION TO SUPPORT
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NOV # 2001004

Violation Number from NOV 23

Violation Description: **Tank Certifications**

1. Gravity Based Penalty: \$0
 - (a) Potential for Harm: **N/A**
 - (b) Extent of Deviation: **N/A**
 2. Multiple/Multi-day: \$0
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV. It was contested by CHA. DWMRC determined that the language in the Permit is ambiguous, and the best remedy is to modify the Permit, rather than pursue further enforcement action.
 5. Adjustment for Good Faith: **N/A**
 6. Adjustment for Willfulness/Negligence: **N/A**
 7. Adjustment for History of Compliance or Noncompliance: **N/A**
 8. Adjustment for Other Unique Factors: **N/A**
 14. Adjustment for Economic Benefit: **\$0 – N/A**
 16. Adjustment for Ability to Pay: **N/A**
- Total: **\$0**

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

NOV # 2001004

Violation Number from NOV 24

Violation Description: **Overfill Bulk Solids Tanks**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. Because the waste is solid, there is no concern with spillage due to overfilling. The potential for harm would be due to exceeding capacity and having insufficient financial assurance, but there was adequate room in the other tanks for the excess waste.
 - (b) Extent of Deviation: **MINOR**. The tanks are kept within capacity most of the time. The overall capacity was not exceeded as there was room for the wastes in the other bulk solids tanks.
2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – There was room for the material in the other tanks.
16. Adjustment for Ability to Pay: N/A

Total: **\$155**

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

NOV # 2001004

Violation Number from NOV 25

Violation Description: **O₂ >5% in Hydrocarbon Vent**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Elevated levels of oxygen could produce an explosive atmosphere.
 - (b) Extent of Deviation: **MINOR**. Most of the incidents of elevated oxygen concentration in the hydrocarbon vent system are investigated and documented.
 2. Multiple/Multi-day: \$2,080
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The time and effort required to investigate and document the high oxygen concentration would be minimal.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

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

NOV # 2001004

Violation Number from NOV 26

Violation Description: **Fume Management System**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Inadequate operation of the fume management system could produce fugitive emissions.
 - (b) Extent of Deviation: **MINOR**. CHA was operating the fume management system and most of the components were operating correctly.
2. Multiple/Multi-day: \$2,080
 - (a) Number of Violations or Days of Violation: There were seven instances cited in the NOV. Items ii, iv, and v were contested by CHA. Items ii and iv have been dropped from the penalty calculations. DWMRC does not agree with the CHA response to item v. CHA personnel were present and witnessed the smoke test and did not disagree at the time that smoke was not being pulled into the openings. The gravity-based penalty was used as the violations were separate and distinct, rather than multi-day.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – Repairs were made immediately. There would be insignificant economic benefit in the delay of repairs.
16. Adjustment for Ability to Pay: N/A

Total: **\$10,400**

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

NOV # 2001004

Violation Number from NOV 27

Violation Description: **Exceeding Carbon Bed Life**

1. Gravity Based Penalty: \$2,080
 - (a) Potential for Harm: **MODERATE**. Exceeding the carbon bed life could produce fugitive emissions.
 - (b) Extent of Deviation: **MINOR**. The carbon had been in use just slightly longer than the calculated bed life.
 2. Multiple/Multi-day: \$2,080
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The length of time the bed life was exceeded was insignificant compared to normal carbon bed lives.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$2,080**

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

NOV # 2001004

Violation Number from NOV 28

Violation Description: **Exceeding Mercury Feed Rate**

1. Gravity Based Penalty: \$5,270
 - (a) Potential for Harm: **MAJOR**. Exceeding the mercury feed rate could result in excess mercury emissions.
 - (b) Extent of Deviation: **MINOR**. The amount of prohibited waste fed was minimal.
 2. Multiple/Multi-day: \$5,270
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The economic benefit of not having to send the waste to another TSD would be offset by the cost CHA incurred by incinerating it.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$5,270**

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

NOV # 2001004

Violation Number from NOV 29

Violation Description: **Incineration Parameters**

1. Gravity Based Penalty: \$7,800
 - (a) Potential for Harm: **MAJOR**. Not properly analyzing the waste feed could result in excess emissions.
 - (b) Extent of Deviation: **MINOR**. This only affected the waste matrices that weren't being analyzed
 2. Multiple/Multi-day: \$7,800
 - (a) Number of Violations or Days of Violation: There were three instances cited in the NOV. The high end of the penalty range was used to account for the other violations.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The economic benefit would be addressed with violation #8.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$7,800**

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

NOV # 2001004

Violation Number from NOV 30

Violation Description: **Satellite Accumulation Area**

1. Gravity Based Penalty: \$155
 - (a) Potential for Harm: **MINOR**. Only one container was not labeled properly. There was no mismanagement of the waste.
 - (b) Extent of Deviation: **MINOR**. Only one container was not labeled properly. It was immediately corrected.
2. Multiple/Multi-day: \$155
 - (a) Number of Violations or Days of Violation: There was one instance cited in the NOV.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The cost of labeling the container would be insignificant.
16. Adjustment for Ability to Pay: N/A

Total: **\$155**

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

NOV # 2001004

Violation Number from NOV 31

Violation Description: **Generator Requirements**

1. Gravity Based Penalty: \$520
 - (a) Potential for Harm: **MINOR**. Because it was treated waste, there would be little chance of fugitive emissions from the holes and open corner. The wastes were shipped off-site shortly after the 90-day limit.
 - (b) Extent of Deviation: **MODERATE**. The holes were very small. The wastes were shipped off-site as soon as they were discovered. All problems were resolved quickly. No mismanagement of wastes occurred.
2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were four instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
5. Adjustment for Good Faith: N/A
6. Adjustment for Willfulness/Negligence: N/A
7. Adjustment for History of Compliance or Noncompliance: N/A
8. Adjustment for Other Unique Factors: N/A
14. Adjustment for Economic Benefit: \$0 – The issues were corrected immediately, so there was no economic benefit.
16. Adjustment for Ability to Pay: N/A

Total: **\$520**

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

NOV # 2001004

Violation Number from NOV 32

Violation Description: **Incinerating Mercury**

1. Gravity Based Penalty: \$7,800
 - (a) Potential for Harm: **MAJOR**. Feeding prohibited wastes would increase the emissions of mercury.
 - (b) Extent of Deviation: **MODERATE**. Amount of prohibited waste fed was minimal.
 2. Multiple/Multi-day: N/A
 - (a) Number of Violations or Days of Violation: There were two instances cited in the NOV. The multiple violations were accounted for in the gravity-based penalty.
 5. Adjustment for Good Faith: N/A
 6. Adjustment for Willfulness/Negligence: N/A
 7. Adjustment for History of Compliance or Noncompliance: N/A
 8. Adjustment for Other Unique Factors: N/A
 14. Adjustment for Economic Benefit: \$0 – The economic benefit of not having to send the waste to another TSD would be offset by the cost CHA incurred by incinerating it.
 16. Adjustment for Ability to Pay: N/A
- Total: **\$7,800**