



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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February 4, 2003

Connecticut Waste Oil, Inc.  
PO Box 179  
Meriden, CT 06450

**NOTICE OF DECISION  
ADMINISTRATIVE FINE  
NO. AF 02-030 (WASTE  
MANAGEMENT)**

Attn: Joseph Perutti

Dear Mr. Perutti:

As you are aware, by Notice of Proposed Administrative Fine and Hearing No. AF 02-030 issued September 25, 2002, the Waste Management Division sought administrative fines totaling \$20,000 against Connecticut Waste Oil, Inc. ("CWO") for alleged violations of RSA 147-A, the state statute relating to the management, transportation, and disposal of hazardous waste, arising from transporting hazardous waste within New Hampshire without first obtaining a New Hampshire Hazardous Waste Transporter Registration. Pursuant to RSA 147-A:17-a, and based upon my review of the evidence presented at the hearing held on this matter on December 16, 2002, I have concluded that the following action is appropriate:

- ▶ A fine in the amount of \$20,000 is imposed against CWO for failing to obtain a New Hampshire Hazardous Waste Transporter Registration prior to transporting hazardous waste within the State of New Hampshire.
- ▶ The \$20,000 fine shall be paid within 30 days of the date of the decision.

The fine payment shall be by check or money order payable to "Treasurer-State of NH" and sent to the attention of the Legal Unit, DES/Office of the Commissioner, PO Box 95, Concord, NH 03302-0095.

RSA 147-A:6, I requires any transporter of hazardous waste within New Hampshire to register with DES prior to transporting hazardous waste. The purpose of this statute, in part, is to help to determine whether a registrant has sufficient reliability and expertise to transport hazardous waste, thus ensuring that human health and the environment are protected from hazardous waste contamination. CWO violated RSA 147-A:6, I by failing to obtain a New Hampshire Hazardous Waste Transporter Registration from DES prior to transporting hazardous waste on 10 separate occasions from facilities located in Nashua and Manchester, New Hampshire. By conducting these unauthorized activities CWO endangered public health and the environment.

**This decision is based on the following findings and conclusions:**

1. Connecticut Waste Oil, Inc ("CWO") is a corporation registered to do business in Connecticut and having a mailing address of P.O. Box 179, Meriden, CT.
2. RSA 147-A authorizes DES to regulate the management, transportation, and disposal of hazardous waste in New Hampshire.

3. RSA 147-A:6, I states that "any transporter of hazardous waste within the state shall annually register with [DES] using forms provided by [DES] before engaging in the transportation of hazardous wastes."
4. DES first issued NH Hazardous Waste Transporter Registration Number TNH-0178 ("the Registration") dated July 7, 1992, to CWO to transport hazardous waste in New Hampshire.
5. On June 13, 2000, DES issued a Registration to CWO to transport hazardous waste in New Hampshire.
6. On June 25, 2001, by Notice of Proposed License Action No. LA 01-05, DES sought to revoke the Registration.
7. On July 31, 2002, DES staff investigated the Firestone dealership in Nashua, New Hampshire and reviewed the manifests for the used oil CWO transported from Firestone-Nashua. The manifests show that CWO transported used oil as follows:

<u>Manifest#</u>	<u>Date</u>	<u>Quantity</u>
CTF0823656	4/30/02	270 gallons
CTF0984635	5/15/02	295 gallons
CTF1107151	6/25/02	310 gallons
CTF1106815	7/10/02	310 gallons
CTF1107035	7/24/02	300 gallons

8. On July 31, 2002, DES staff investigated the Firestone dealership in Manchester, New Hampshire and reviewed the manifests for the used oil CWO transported from Firestone-Manchester. The manifests show that CWO transported used oil as follows:

<u>Manifest #</u>	<u>Date</u>	<u>Quantity</u>
CTF0823655	4/30/02	170 gallons
CTF0984636	5/15/02	250 gallons
CTF1107150	6/25/02	250 gallons
CTF1106814	7/10/02	250 gallons
CTF1107036	7/24/02	250 gallons

9. CWO was not registered to transport hazardous waste in New Hampshire when it transported used oil from the Firestone-Nashua and Firestone-Manchester facilities.
10. CWO violated RSA 147-A:6, I by failing to obtain a New Hampshire Hazardous Waste Transporter Registration prior to transporting hazardous waste within New Hampshire.
11. For a violation of RSA 147-A:6, I, Env-C 612.02(d) specifies a fine of \$2,000 per load transported without being registered. For the 10 loads transported, the total fine is \$20,000.
12. Under Env-C 601.09(c), the imposed fine must be reduced by 10 percent if the Respondent proves certain mitigating factors by a preponderance of the evidence.

13. None of the factors identified in Env-C 601.06(c)(1) through (4) apply to reduce the amount of fine that can be imposed for the violation noted in #10 above because the burden of proof for these factors is on CWO, and it did not attend or present evidence at the hearing.

CWO violated RSA 147-A:6, I by failing to obtain a New Hampshire Hazardous Waste Transporter Registration prior to transporting hazardous waste within New Hampshire. Thus, for the reasons discussed above, I have concluded that the \$20,000 fine imposed against CWO is appropriate.

As you know, the hearing on this matter was scheduled for December 16, 2002. The hearing was held as scheduled, however, CWO not present, nor was anyone else present on its behalf. Moreover, because CWO did not inform the presiding officer of the absence prior to the hearing, the hearing was held pursuant to Env-C 204.09, subject to a motion to reconvene. Subsequently, CWO failed to file a motion to reconvene the hearing.

Even though CWO did not attend the hearing, I believe it is proper for this decision to issue. I want to remind CWO, however, that CWO and any party aggrieved by this decision may file a motion for reconsideration within 30 days of the date of this decision, in accordance with NH RSA 541 and Env-C 206 (copy enclosed).

Very truly yours  
**COPY**

Robert Monaco  
Acting Commissioner

Enclosure

cc: Philip J. O'Brien, Ph.D, Director, Waste Management Division  
Carl Woodbury, DES WMD SIS  
Mark Harbaugh, Enforcement Attorney  
Susan Weiss Alexant, DES Hearings and Rules Attorney  
Gretchen Rule, DES Legal Unit  
Christine Gleason, CT DEP