



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



KRL Electronics
Division of Bantry Components, Inc.
160 Bouchard Street
Manchester, NH 03103-3399

RE: EPA ID No. NHD986469823

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 07-020

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and KRL Electronics - Division of Bantry Components, Inc., pursuant to RSA 147-A:17-a and the NH Code Admin. Rules Env-C 601. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Waste Management Division ("Division"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, New Hampshire.
2. KRL Electronics - Division of Bantry Components, Inc. ("KRL") is a New Hampshire corporation. KRL has a principal office and mailing address of 160 Bouchard Street, Manchester, NH 03103-3399.

III. BACKGROUND

1. Pursuant to RSA 147-A, the Department of Environmental Services ("DES") regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner has adopted Env-C 612 to establish the schedule of fines for such violations.
3. KRL is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on May 1, 1990. EPA Identification Number NHD986469823 was assigned to KRL's site located at 160 Bouchard Street, Manchester, New Hampshire.

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2942 • Fax: (603) 271-0869 • TDD Access: Relay NH 1-800-735-2964

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4. On April 10, 2006, DES personnel inspected KRL for compliance with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, the Division issued Administrative Order No. WMD 06-009 ("AO") to KRL on August 23, 2006. Based on the violations observed during the inspection listed above, the Division believes that an administrative fine is appropriate in this case for the Class I violations.

IV. ALLEGATIONS, ADMINISTRATIVE FINES

1. KRL failed to submit to DES the Small Quantity Generator Self-Certification Form and Declaration of Compliance by January 1, 2005, as required by RSA 147-A, IV ("Violation 1"). Pursuant to Env-C 610, a fine of \$250 has been calculated by the Division.
2. KRL failed to submit to DES the required \$240 fee for the period of 2004 through 2007, as required by RSA 147-A, IV ("Violation 2"). The \$240 fee was later submitted to DES along with the Small Quantity Generator Self-Certification Form and Declaration of Compliance. The potential fine for this violation is included in the fine sought in Paragraph 1.
3. KRL failed to conduct adequate hazardous waste determinations on two (2) waste streams (i.e., the waste "lab pack" chemicals and fluorescent light bulbs), as required by Env-Wm 502.01 ("Violation 3"). For this violation, Env-C 612.05(a) authorizes a fine of \$1,500 per determination, for a potential fine of \$3,000. However, because the fluorescent light bulbs will be managed as Universal Waste, a waste determination is not required and so DES is not seeking a fine for the fluorescent bulbs at this time.
4. KRL failed to close one (1) 15-gallon container labeled as hazardous waste "lead" stored in the Raw Material Storage Hazardous Waste Storage Area and one (1) 55-gallon container of hazardous waste "Chem-clean caustic soap solution" stored in the Soaping and Tinning Hazardous Waste Storage Area, as required by Env-Wm 507.01(a)(3) ("Violation 4"). For this violation, Env-C 612.06(c)(1) and (2) authorizes a fine of \$400 for each container that is 55-gallons or greater and \$200 for each container that is greater than 5 gallons but less than 55 gallons, for a potential fine of \$600.
5. KRL failed to properly mark one (1) 55-gallon container marked with the words "hazardous waste" stored in the Raw Material Storage Hazardous Waste Storage Area with words that identify the contents of the container and the EPA or state waste number and failed to mark the one (1) 55-gallon container of hazardous waste "Chem-clean caustic soap solution" stored in the Soaping and Tinning Hazardous Waste Storage Area with the words "hazardous waste," words that identify the contents of the container, and the EPA or state waste number, as required by Env-Wm 507.03(a)(1)b., c., and d. ("Violation 5"). For this violation, Env-C 612.06(l) authorizes a fine of \$600 for each container that is 55-gallons or greater, for a potential fine of \$1,200.
6. KRL failed to conduct weekly inspections of the hazardous waste containers, as required by Env-Wm 508.03(a) ("Violation 6"). Pursuant to Env-C 610, a fine of \$100 per inspection per area has been calculated by the Division, for a potential fine of \$200. (Note: No multi-day

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penalty was applied due to the fact that the number of weeks that KRL was required to use SQG extended storage is unknown).

7. KRL failed to post an emergency posting at the nearest telephone to the main hazardous waste storage area, as required by Env-Wm 508.03(e) ("Violation 7"). Pursuant to Env-C 610, a fine of \$500 per area has been calculated by the Division.
8. KRL failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, as required by Env-Wm 508.03(f) ("Violation 8"). Pursuant to Env-C 610, a fine of \$550 has been calculated by the Division.
9. KRL failed to post "No Smoking" signs in the Raw Material Hazardous Storage Area and the Tinning Hazardous Waste Storage Area, where ignitable hazardous waste solvents and petroleum distillates were being stored, as required by Env-Wm 508.03(h) ("Violation 9"). Pursuant to Env-C 610, a fine of \$500 per area has been calculated by the Division, for a potential fine of \$1,000.
10. KRL failed to maintain copies of six (6) hazardous waste manifests for three (3) years from the date of signature by the generator, as required by Env-Wm 512.01(a)(1) ("Violation 10"). For this violation, Env-C 612.08(a) authorizes a fine of \$300 per type of record.

V. PAYMENT, WAIVER OF HEARING

1. The Division agrees to waive the fine associated with Violation 4 because it is not a Class I violation.
2. The Division asserts that the following fines are appropriate for Violations 1 through 3, and 5 through 10, which are Class I violations.
 - a. Violation 1 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$250.
 - b. The potential fine for Violation 2 is included in fine sought in Violation 1.
 - c. Violation 3 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$1,500.
 - d. Violation 5 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$1,200.
 - e. Violation 6 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$200.
 - f. Violation 7 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$500.

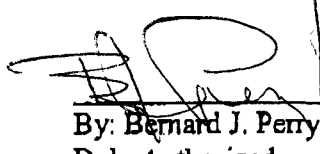
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- g. Violation 8 is a Class I violation. DES has determined due to KRL's high level of cooperation in providing information and its effort to correct the violation that a 20% reduction should be applied. DES is thus seeking a fine of \$440.
 - h. Violation 9 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$1,000.
 - i. Violation 10 is a Class I violation. No penalty reduction is recommended. DES is thus seeking a fine of \$300.
3. KRL agrees to pay \$5,390 within the next six (6) months as follows:
- a. \$900 of the fine shall be due and payable upon execution of this Agreement by KRL.
 - b. \$4,490 shall be paid in five (5) equal payment of \$898 due on the first of each month beginning February 1, 2008 and ending with the last payment due on June 1, 2008.
4. Payment under Section V. Paragraph 3 shall be paid by certified or corporate check made payable to: "Treasurer, State of New Hampshire" and shall be mailed to:
- DES Legal Unit
Attn: Legal Assistant
PO Box 95
Concord, NH 03302-0095
5. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.
6. By executing this Agreement, KRL waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.
7. The effective date of this Agreement will be the date on which it is signed by an authorized representative of KRL, and the Director of the Waste Management Division, and the Commissioner of DES.
8. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

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WHEREFORE, the parties voluntarily accept the terms of this Agreement.

KRL ELECTRONICS
Division of Bantry Components, Inc.

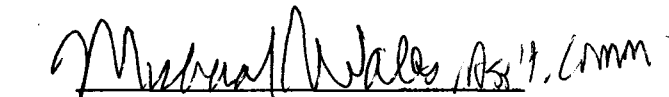

By: Bernard J. Perry, Jr., President
Duly Authorized

3/7/08
Date

DEPARTMENT OF ENVIRONMENTAL SERVICES


Michael J. Wimsatt, P.G., Director
Waste Management Division

3/14/08
Date


Thomas S. Burack, Commissioner

3/17/08
Date

cc: RCRA/DB/AF
Legal Unit, DES
Public Information Officer, DES PIP Office
Richard Head, NH DOJ
John J. Duclos, Administrator, HWCB