



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection 235 Promenade Street, Providence, RI 02908-5767
Telephone 401-222-1360 Fax 401-222-3811 TDD 401-222-4462

CERTIFIED MAIL

February 21, 2018

91 7108 2133 3939 5562 1585

Bruce D. Moger, Registered Agent
CNC International, Inc. d/b/a CNC International LP
P.O. Box 3000
20 Privilege Street
Woonsocket, Rhode Island 02895

RE: Notice of Intent to Enforce for CNC International, Inc. d/b/a CNC International LP
OC&I File No. HW-17-69

Dear Mr. Moger:

Enclosed please find a *Notice of Intent to Enforce* ("NIE") issued to you concerning an alleged failure to comply with the Rhode Island Department of Environmental Management's Rules and Regulations for Hazardous Waste Management, as is or as amended.

A written response is required within seven (7) days, stating your intentions of complying with the required actions in the time frame indicated. Failure to comply with the requirements of this NIE will result in the issuance of additional enforcement action by this Office, which would include the assessment of administrative monetary penalties. You should be aware that administrative penalties of up to \$25,000 per day of violation are authorized under the *General Laws of Rhode Island*.

If there are any questions or concerns, you may contact Sean Carney via telephone at (401) 222-1360, Ext. 7411, or via electronic mail at Sean.carney@dem.ri.gov or me at 222-1360, ext 7407.

PLEASE NOTE: Communication in any form other than writing shall not be deemed a satisfactory response to this NIE.

Sincerely,

Tracey D'Amadio Tyrrell
Supervising Environmental Scientist
DEM - Office of Compliance and Inspection

Enclosure

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF COMPLIANCE & INSPECTION

IN RE: CNC Internation, INC
d/b/a CNC International LP

CASE NO.: OCI-HW-17-69

NOTICE OF INTENT TO ENFORCE

A. Introduction

Pursuant to *Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws* ("R.I.G.L."), as amended, you are hereby notified that the Director of the Department of Environmental Management (the "Director" of "DEM") has reasonable grounds to believe that the above-named parties ("Respondents") have violated certain statutes and/or administrative regulations under DEM's jurisdiction.

B. Facts

- (1) On June 28, 2017 the Rhode Island Department of Environmental Management (DEM) received a complaint alleging that CNC International LP operating at 20 Privilege Street in Woonsocket, Rhode Island (the "Property") was storing universal waste and solid waste on-site and in compliance with the requirements of the Rhode Island *Rules and Regulations for Hazardous Waste Management*.
- (2) On August 17, 2017 a representative of DEM conducted an inspection of the Property and observed or determined the following:
 - a. Approximately two and one half (2½) cubic yards of small containers holding potentially hazardous chemicals which company personnel described as no longer useful and destined for disposal. When asked by the DEM representative, the Respondent stated that the company has not determined if these materials meet the definition of hazardous waste.
 - b. The Respondent generates hazardous waste and had not attempted to make arrangements with local response authorities to familiarize them with the physical characteristics of the company and the types of hazardous wastes stored and generated on-site.
 - c. The Respondent generates hazardous waste and did not maintain and operate its facility in a manner that minimizes the possibility of any unplanned spill or release of hazardous waste of hazardous waste constituents to the air, soil or surface water of the state by having a sufficient supply of spill prevention and response materials.

- d. The Respondent failed to label approximately one hundred ten (110) gallons of universal waste used mercury containing lamps, to track the length of time the waste accumulated onsite and stored universal waste lamps onsite for greater than one year. Additionally, some of this accumulation consisted of broken lamps on the floor and in containers for which the company had failed to manage in a manner which prevents releases to the environment, failed to clean up completely from the immediate floor surface and place in a container as required and failed to determine if the spilled and broken universal waste material and residues were hazardous waste.
- e. Four (4) universal waste used cathode ray tubes which were not marked and not tracked for accumulation time as required.
- f. The Respondent had not informed all employees that handle universal waste of the proper handling and emergency procedures required to manage the universal waste.

C. Potential Violations

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following regulations:

- (1) **Hazardous Waste Regulation 5.3** – requiring that any person who generates a solid waste shall determine if that waste meets the definition of a hazardous waste.
- (2) **Hazardous Waste Regulation 5.15G2**-requiring that a company which generates hazardous waste must make arrangements with appropriate local authorities in accordance with the requirements of 40 CFR 265.37
- (3) **Hazardous Waste Regulation 5.15G1**-requiring that a company which generates hazardous waste must maintain and operate the company in a manner that minimizes the possibility of a fire, explosion or any unplanned spill or release of hazardous waste or hazardous waste constituents to the air, soil or surface water of the State.
- (4) **Hazardous Waste Regulation 13.5** – requiring that a generator of universal waste lamps shall mark the lamps or containers with the words “universal waste”, or “waste” or “used” and the name of the item
- (5) **Hazardous Waste Regulation 13.5**- requiring that a generator of universal waste shall label universal waste used electronic devices with the words “Used electronic devices not containing CRTs” or “Used Electronic devices containing CRTs”.
- (6) **Hazardous Waste Regulation 13.5** – requiring that a generator of universal waste shall track the accumulation time of all UW stored on-site as outlined in 40 CFR 273.15(c)
- (7) **Hazardous Waste Regulation 13.5**- requiring that a generator of universal waste shall comply with the one year accumulation time limit for the waste.

- (8) **Hazardous Waste Regulation 13.5-** requiring that a generator of universal waste must manage that waste in a manner that prevents releases to the environment.
- (9) **Hazardous Waste Regulation 13.5-**requirement that a generator of universal waste must immediately clean up and place into a container any universal waste lamp that shows evidence of breakage, leakage or damage that could cause a release of hazardous constituents
- (10) **Hazardous Waste Regulation 13.5-**requirement that a generator of universal waste must determine if universal waste spilled material and residues meet the definition of hazardous waste
- (11) **Hazardous Waste Regulation 13.5-**requirement that a generator of universal waste must inform all employees that handle or manage universal waste of the proper handling and emergency procedures require to manage the universal waste

D. Required Actions:

- (1) **Within thirty (30) days** of receipt of this Notice, complete a waste determination on contents of all containers holding chemical materials at the facility that are destined for disposal or that the company can no longer demonstrate a use in a production activity in accordance with the requirements of Hazardous Waste Regulation 5.3. If the determination process requires the company to submit samples to a laboratory for analysis, the Respondent shall submit a copy of the analytical report **within ten (10) days** of receipt to the DEM Office of Compliance & Inspection. In the event that the waste is determined to meet the definition of a hazardous waste, **the Respondent shall immediately** begin managing the waste in accordance with the applicable requirements of the Hazardous Waste Regulations.
- (2) **Within thirty (30) days** of receipt of this Notice, make emergency response arrangements with appropriate local authorities in accordance with the requirements of 40 CFR 265.37.
- (3) **Within thirty (30) days** of receipt of this Notice ensure that the company is maintained and operated in a manner that minimizes the possibility of a fire, explosion or any unplanned spill or release of hazardous waste or hazardous waste constituents to the air, soil or surface water by providing an adequate amount of spill control materials to address the potential discharge of all hazardous constituents at your facility.
- (4) **Immediately** upon receipt of this Notice, mark all universal waste items or containers holding universal waste with the words “universal waste”, or “waste” or “used” and the name of the item.
- (5) **Immediately** upon receipt of this Notice, label all used electronic devices with the words “Used electronic devices not containing CRTs” or “Used Electronic devices containing CRTs.”


- (6) **Immediately** upon receipt of this Notice, begin tracking the length of time that the universal waste has been accumulated from the date it becomes a waste using one of the methods outlined in 40 CFR 273.16(c)(1-6).
- (7) **Within thirty (30) days** of receipt of this Notice, ship all universal waste that has accumulated onsite for longer than one-year to a properly licensed destination facility.
- (8) **Immediately** upon receipt of this Notice, ensure that all universal is stored in a manner which prevents releases to the environment.
- (9) **Immediately** upon receipt of this Notice, place all universal waste that shows evidence of breakage, leakage or damage and all residues from broken or damaged universal waste into a container.
- (10) **Within thirty (30) days** of receipt of this Notice, determine if any universal waste spilled materials and residues meet the definition of hazardous waste by collecting a representative sample from spillage and submitting the sample to a laboratory for analysis. **Within ten (10) days** of receipt of the analytical report, submit a copy of to the DEM Office of Compliance & Inspection. In the event that collected waste is determined to meet the definition of a hazardous waste, **the Respondent shall immediately** begin managing the waste in accordance with the applicable requirements of the Hazardous Waste Regulations.
- (11) **Within thirty (30) days** of receipt of this Notice, provide all employees of CNC International LP who handle or manage universal waste, of the proper handling and emergency procedures require to manage the waste.

E. Potential Assessment of Penalty:

This document constitutes a notice of intent to assess an administrative penalty pursuant to *R.I.G.L. Chapter 42-17.6*. If Respondents promptly and satisfactorily comply with the requirements of this NIE, DEM may decide to not assess an administrative penalty. Respondents continued non-compliance will likely result in the issuance of a *Notice of Violation*, which will include the assessment of an administrative penalty. Penalties assessed in a *Notice of Violation* may be as high as \$25,000.00 per violation for each and every day that the violation continues to exist.

If you have any questions concerning this NIE, please contact Tracey D'Amadio Tyrrell, Supervising Environmental Scientist with the Office of Compliance and Inspection at (401) 222-1360, Ext. 7407.

FOR THE DIRECTOR


Tracey D'Amadio Tyrrell
DEM - Office of Compliance & Inspection
Date: February 21, 2018