

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: Arlington R.V. Supercenter, Inc.

FILE NO.: OCI-HW-24-45

NOTICE OF VIOLATION

A. INTRODUCTION

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Rhode Island Department of Environmental Management (“Director” of “RIDEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under RIDEM's jurisdiction.

B. FACTS

- (1) The property is located at 966 Quaker Lane, Assessor's Plat 226, Lot 0003 in Warwick, Rhode Island (“Property”). The Property includes a facility used to sell new and used residential vehicles and trailers. (“Facility”).
- (2) Respondent operates the Facility.
- (3) Respondent is registered with RIDEM as a small quantity hazardous waste generator at the Facility pursuant to Rhode Island’s *Rules and Regulations for Hazardous Waste Management* (250-RICR-140-10-1) (“HW Rules”) and pursuant to Title 40 of the Code of Federal Regulations under the name of “Arlington RV Supercenter Inc.” with the U.S. Environmental Protection Agency (“EPA”) identification number RID018526475.
- (4) On 9 August 2024, RIDEM received a complaint about vehicles being stored within a wetland or wetland buffer and that these vehicles may be leaking fluids.
- (5) On 16 August 2024, RIDEM attempted to inspect the Facility. The inspectors met Jay Moran, who identified himself as the Facility’s General Manager, who denied RIDEM access to inspect the Facility
- (6) On 26 August 2024, RIDEM received electronic correspondence from Jim Tarro, the Facility’s President and Fixed Operations Manager, denying RIDEM access to inspect the Facility.
- (7) On 25 June 2025, RIDEM investigated the complaint, and the inspection revealed the following:
 - (a) No oil spills or releases located outdoors.

- (b) Eight 55-gallon containers and one 5-gallon container holding unknown contents that were not labeled located on the north side of the Property.
 - (c) RIDEM's inspectors were then denied access for the remaining portion of the inspection by Jay Moran, General Manager, during a telephone conversation.
- (8) On 31 July 2025, RIDEM executed an Administrative Warrant on Respondent and inspected the Facility. The inspection and investigation revealed the following:
- (a) Failure to complete a waste determination for parts cleaner solvent ("Solvent") that is generated from their in-process Safety-Kleen parts cleaner. On 12 April 2019, the Facility shipped parts cleaner solvent offsite on a hazardous waste manifest with EPA Waste Code D039. However, review of shipping documents revealed that the Facility had been shipping the waste stream offsite as non-hazardous via Safety-Kleen. The Respondent's representatives stated they were unaware why the Solvent was being shipped offsite as non-hazardous waste and failed to provide documentation to assert the non-hazardous designation at the time of the inspection.
 - (b) Outdoor Yard Fuel Storage Area: One 55-gallon container holding waste gasoline and rainwater that was not labeled and not marked with an accumulation start date.
 - (c) Outdoor Yard Fuel Storage Area: One 55-gallon container holding waste gasoline and rainwater that was not labeled, not marked with an accumulation start date and the container was in poor condition (slash in cover). The Respondent did not immediately transfer the hazardous waste to a container that was in good condition.
 - (d) Outdoor Yard Fuel Storage Area: One 5-gallon white container holding gasoline and rainwater that was not labeled, not marked with an accumulation start date and the container was in poor condition (rusting). Respondent did not immediately transfer the hazardous waste to a container that was in good condition.
 - (e) Outdoor Yard (Adjacent to Caged Area): Two 55-gallon containers holding waste gasoline and rainwater that were not labeled and not marked with an accumulation start date.
 - (f) Outdoor Yard (Adjacent to Caged Area): One 1/3rd full 55-gallon container holding waste gasoline and rainwater that was not labeled and not marked with an accumulation start date.
 - (g) Outdoor Yard (Adjacent to Caged Area): Two 55-gallon containers holding waste gasoline and rainwater that were not labeled, not marked with an accumulation start date and containers were in poor condition (rusting). Respondent did not immediately transfer the hazardous waste to a container that was in good condition.

- (h) Respondent's representative stated that the containers located in the Outdoor Yard Fuel Storage Area and Outdoor Yard (Adjacent to Caged Area) had begun accumulating since the last RIDEM inspection in 2019, but did not know the exact date; therefore, upon information and belief the containers have been accumulating in exceedance of the 180-day storage limit.
 - (i) Service Garage: One 100-gallon above-ground storage tank ("AST") holding used oil that was open.
 - (j) RIDEM's inspector did not observe spill control equipment and emergency equipment located at or near the hazardous waste storage areas.
 - (k) RIDEM's inspector did not observe a posting which includes the name and phone number of its emergency coordinators and the number for the local fire department, the national response center, and RIDEM's number posted near or next to the phones at the Facility. The location of spill control equipment, fire extinguishers and fire alarm were not clearly marked or posted.
 - (l) Respondent's representative stated that the Facility did not have a hazardous waste personnel training program and did not develop a hazardous waste contingency plan.
- (9) On 4 August 2024, Respondent's representative stated via electronic correspondence that weekly inspections of accumulation containers are conducted but not documented.
 - (10) On 15 August 2025, Respondent submitted via electronic correspondence SDS sheet from Safety-Kleen for the Solvent. Review of the SDS sheet revealed that the Solvent is non-hazardous.
 - (11) On 20 August 2025, Respondent submitted via electronic correspondence one hazardous waste manifest (009710646 SKS) dated 18 August 2025 for the containers located in the Outdoor Yard Fuel Storage Area and Outdoor Yard (Adjacent to Caged Area) had been shipped offsite. The containers were identified on the manifest as waste gasoline mixture.
 - (12) As of the date of this Notice of Violation ("NOV"), Respondent has failed to demonstrate that it has fully corrected the noncompliance identified in Section B(8)(i) above.

C. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that Respondent has violated the following statutes and/or regulations:

- (1) **Rhode Island's Rules and Regulations for Hazardous Waste Management (250-RICR-140-10-1) ("HW Rules") HW Rules Part 1.7.3**— requiring that a hazardous

waste generator determine if the waste generated onsite meets the definition of a hazardous waste.

- (2) **HW Rules Part 1.7.13(B)**– requiring that a small quantity hazardous waste generator store hazardous waste onsite for a period that does not exceed 180 days.
- (3) **HW Rules Part 1.7.13(C)(1)(a)** – requiring that a small quantity hazardous waste generator mark containers holding hazardous waste with the date upon which the waste first began to accumulate.
- (4) **HW Rules Part 1.7.13(C)(1)(d)**– requiring that a small quantity hazardous waste generator that stores hazardous waste in containers must immediately transfer hazardous waste from any and all containers that are not in good condition as result of physical or chemical forces that have reduced the containers structural integrity, or if they begin to leak, to a container(s) that is in good condition and compatible with the hazardous waste being transferred.
- (5) **HW Rules Part 1.7.13(E)(1)**– requiring that a small quantity hazardous waste generator label each container, excluding satellite accumulation containers, holding hazardous waste with the words “Hazardous Waste”, the chemical or common name of the waste, and name, address and EPA identification number of the generating facility while being accumulated onsite.
- (6) **HW Rules Part 1.7.13(C)(1)(i)**– requiring that a small quantity hazardous waste generator conduct weekly inspections of container storage areas looking for leaking containers and signs of deterioration caused by corrosion or other factors and maintain documentation of the result of each inspection for a period of at least three (3) years.
- (7) **HW Rules Part 1.7.13(H)(2)** – requiring that a small quantity hazardous waste generator maintain spill control and emergency equipment at or near all areas where hazardous waste is generated or stored at the facility.
- (8) **HW Rules Part 1.7.13(F)**– requiring that a small quantity hazardous waste generator provide training to company employees who handle and/or manage hazardous waste and ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
- (9) **HW Rules Part 1.7.13(I)** – requiring that a small quantity generator either prepare a hazardous waste contingency plan or designate an emergency coordinator, post the name and telephone number for emergency coordinator, post the telephone number for the local fire department, RIDEM, the National Response Center and the companies environmental contractor near all phones, clearly mark the location of fire extinguishers, spill control equipment and fire alarms and post the location of these items next to all phones near hazardous waste storage area.

- (10) **HW Rules Part 1.16.4(A)(2)(b)** – requiring that used oil generators mark above ground storage tanks (“AST”) with the words “Used Oil”.
- (11) **HW Rules Part 1.7.10(A)(1) and R.I. Gen. Laws § 42-17.1-2(20)(ii)(A)** – giving RIDEM the right to enter and inspect any hazardous waste facility, or any place the Director has reason to believe hazardous wastes are generated, stored, treated, or disposed of.

D. ORDER

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), Respondent is hereby ORDERED to:

- (1) **IMMEDIATELY upon receipt of this Notice of Violation (“NOV”)**, keep AST holding used oil closed except when actively adding or removing used oil.

E. PENALTY

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

\$26,461

- (2) The proposed administrative penalty is calculated pursuant to Rhode Island’s *Rules and Regulations for Assessment of Administrative Penalties* (250-RICR-130-00-1) (“Penalty Rules”) and must be paid to RIDEM within 30 days of your receipt of the NOV.

- (3) Penalty payments shall be by one of two methods:

- (a) By certified check, cashier’s check, or money order made payable to the **General Treasury – Environmental Response Fund** and forwarded to:

Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767

- (b) By wire transfer in accordance with instructions provided by RIDEM.

- (4) Penalties assessed against Respondent in the NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.

- (5) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and

costs shall be suspended if RIDEM determines that reasonable efforts have been made to comply promptly with the NOV.

F. RIGHT TO ADMINISTRATIVE HEARING

(1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before RIDEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections B through D(1) above. All requests for hearing MUST:

(a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b).

(b) Be **RECEIVED** by RIDEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
RIDEM - Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908-5767

(c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b).

(d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Part 1.7(B) of Rhode Island's *Rules and Regulations for the Administrative Adjudication Division* (250-RICR-10-00-1).

(2) A copy of each request for hearing must also be forwarded to:

Maria I. Rice, Esquire
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767

(3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.

(4) Each respondent must file a separate and timely request for an administrative hearing before RIDEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner regarding any violation set forth herein, then the NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated

administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (vi) and 42-17.6-4(b) and (c).

- (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) The NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Maria Rice of RIDEM's Office of Legal Services at (401) 537-4189 or maria.rice@dem.ri.gov. All other inquiries should be directed to Nicole Pelletier of RIDEM's Office of Compliance and Inspection at (401) 537-4476 or nicole.pelletier@dem.ri.gov.

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section F above.

FOR THE DIRECTOR

By: Christina Hoefsmit, Administrator
RIDEM Office of Compliance and Inspection

Dated: _____

CERTIFICATION

I hereby certify that on the _____ day of _____
the within Notice of Violation was forwarded to:

Arlington RV Supercenter, Inc.
c/o James M. Tarro, Registered Agent
966 Quaker Lane,
East Greenwich, RI 02818

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY

Program: Hazardous Waste
 File No.: OCI-HW-25-45
 Respondent: Arlington RV Supercenter, Inc.

| GRAVITY OF VIOLATION | | | | | |
|--|---|-----------|---------------------|----------------------------------|-----------------|
| SEE ATTACHED "PENALTY MATRIX WORKSHEETS." | | | | | |
| VIOLATION No. & CITATION | APPLICATION OF MATRIX | | PENALTY CALCULATION | | AMOUNT |
| | Type | Deviation | Penalty from Matrix | Number or Duration of Violations | |
| C (1) – Waste Determination | Type I <i>(\$25,000 Max. Penalty) *</i> | Minor | \$2,500 | 1 violation | \$2,500 |
| C (2) – Storage of Hazardous Waste Greater Than 180 Days | Type I <i>(\$25,000 Max. Penalty) *</i> | Moderate | \$6,250 | 1 violation | \$6,250 |
| C (3), C (4), C (5) – Hazardous Waste Container Management | Type I <i>(\$25,000 Max. Penalty) *</i> | Moderate | \$6,250 | 1 violation | \$6,250 |
| C (6) – Hazardous Waste Weekly Container Inspection Logs | Type III <i>(\$6,250 Max. Penalty) *</i> | Minor | \$1,250 | 1 violation | \$1,250 |
| C (7) – Failure to Maintain Spill Control Equipment | Type II <i>(\$12,500 Max. Penalty) *</i> | Moderate | \$2,500 | 1 violation | \$2,500 |
| C (8), C (9) – Hazardous Waste Training & Contingency Plan | Type II <i>(\$12,500 Max. Penalty) *</i> | Moderate | \$6,250 | 1 violation | \$6,250 |
| C (10) – AST Open | Type II <i>(\$12,500 Max. Penalty) *</i> | Minor | \$1,250 | 1 violation | \$1,250 |
| SUB-TOTAL | | | | | \$26,250 |

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

ADMINISTRATIVE PENALTY SUMMARY (continued)

ECONOMIC BENEFIT FROM NONCOMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NONCOMPLIANCE, OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

| DESCRIPTION OF BENEFIT | CALCULATION | | AMOUNT |
|---|---|---|--------------|
| <p>Economic benefit of noncompliance identified by the DEM for storing hazardous for storing hazardous waste for greater than 180 days. The expenses associated with shipping the waste to a licensed disposal facility were obtained by the receipt submitted by the Respondent on 18 August 2025.</p> <p>The delayed costs for storing hazardous waste onsite for greater than 180 days. The expenses associated with shipping the waste to a licensed disposal facility were obtained by the Safety-Kleen receipt submitted by the Respondent via electronic correspondence on 20 August 2025. The economic benefit of noncompliance was determined by using an EPA computer model titled <i>BEN</i> that performs a detailed economic analysis. The dates, dollar amounts, and values used in this analysis are listed in this table.</p> | <ul style="list-style-type: none"> ▪ Profit Status ▪ Filing Status ▪ Initial Capital Investment ▪ One-time Non-depreciable Expense ▪ First Month of Noncompliance ▪ Compliance Date ▪ Penalty Due Date ▪ Useful Life of Pollution Control ▪ Equipment Annual Inflation ▪ Discount Compound Rate | <p>C-Corporation</p> <p>C-Corporation</p> <p>\$0</p> <p>\$2,615</p> <p>26 February 2020</p> <p>18 August 2025</p> <p>1 March 2026</p> <p>N/A</p> <p>N/A</p> <p>8.1%</p> | <p>\$211</p> |
| SUB-TOTAL | | | \$211 |

ADMINISTRATIVE PENALTY SUMMARY (continued)

COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that RIDEM has not incurred any additional or extraordinary costs during the investigation, enforcement, and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

TOTAL PENALTY PROPOSED UNDER PENALTY RULES = \$26,461

PENALTY MATRIX WORKSHEET

CITATION: Waste Determination

VIOLATION NO.: C (1)

| TYPE | | |
|--|--|---|
| <p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;">_____ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;">_____ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p> |
| DEVIATION FROM THE STANDARD | | |
| THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to complete a waste determination on the parts cleaner solvent prior to storing it at the Facility nor maintained documentation to assert determination. State and Federal regulations require generators of waste determine if their waste meets the definition of a hazardous waste. The failure to properly characterize waste may result in the mismanagement of hazardous waste. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: At the time of the inspection RIDEM's inspector observed one 30-gallon in-process parts cleaner. (4) Toxicity or nature of the pollutant: Parts cleaning solution typically consist of chemicals such as methyl ethyl ketone, toluene, acetone, isopropyl alcohol, trichloroethylene, and perchloroethylene, all of which are hazardous. Parts cleaning solution can also contain petroleum naphtha that typically is a hazardous waste holding EPA Waste Code D001. (5) Duration of the violation: Full duration unknown, but at least 1 day. RIDEM's inspector observed the in-process parts cleaner during the 31 July 2025 inspection. (6) Areal extent of the violation: Considered, but not utilized for this calculation. (7) Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance: Respondent failed to take reasonable and appropriate steps to prevent the violation by completing a waste determination and maintaining documentation to assert the determination. Respondent mitigated the violation by submitting documentation (SDS sheet & non-hazardous certification form) on 15 August 2025. (8) Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce: Considered, but not utilized for this calculation. | | |

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- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

| | | |
|--------------|-----------------|----------------------------------|
| MAJOR | MODERATE | <u> X </u> MINOR |
|--------------|-----------------|----------------------------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|--------------------------------------|---------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 | \$2,500 to \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 \$2,500 | \$1,250 to \$2,500 | \$250 to \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: Storage of Hazardous Waste Greater than 180 Days

VIOLATION NO.: C (2)

| TYPE | | |
|---|---|--|
| <p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;"><u> </u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;"><u> </u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p> |
| DEVIATION FROM THE STANDARD | | |
| THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent stored hazardous waste onsite for a period of time exceeding the 180-day accumulation time limit. RIDEM’s regulations allow generators to temporarily store hazardous waste onsite for less than 180 days for small quantity generators without obtaining a permit. A hazardous waste storage permit requires owners and operators of facilities designated to store and manage hazardous waste to install and maintain safety equipment to minimize the possibility of fires, explosions or unplanned releases involving the waste. The requirement to obtain a hazardous waste storage permit is a major component of the regulatory program. (2) Environmental conditions: The containers were stored outdoors. (3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed six 55-gallon containers, one 1/3 full 55-gallon container, and one 5-gallon container holding waste gasoline mixture that was stored onsite greater than 180-days. (4) Toxicity or nature of the pollutant: The containers held ignitable characteristic hazardous waste in the form of waste gasoline mixture, comprised of benzene, naphthalene, toluene, and xylene. Inhalation can lead to nose and throat irritation, headaches, dizziness, nausea, and difficulty breathing. Additionally, spills or leaks of gasoline can cause contamination of soil and groundwater. (5) Duration of the violation: Upon information and belief approximately 1,997 days. Respondent stated that the waste had begun accumulating since the last RIDEM inspection in 2019. (6) Areal extent of the violation: Considered, but not utilized for this calculation. | | |
| (continued) | | |

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the violation by noncompliance by shipping the hazardous waste offsite within 180-days of the accumulation start date. On 12 August 2025, the Respondent shipped the containers holding hazardous waste to a licensed facility.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

| | | |
|--------------|------------------------------|--------------|
| MAJOR | <u> X </u> MODERATE | MINOR |
|--------------|------------------------------|--------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|---------------------------------------|---------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 \$6,250 | \$2,500 to \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 | \$250 to \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: Hazardous Waste Container Management

VIOLATION NOS.: C (3), C (4), C (5)

| TYPE | | |
|--|--|---|
| <u> X </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare, or environment. | <u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment. | <u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare, or environment. |
| DEVIATION FROM THE STANDARD THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <p>(1) The extent to which the act or failure to act was out of compliance: Respondent failed to label containers, immediately transfer hazardous waste stored in containers that are in poor condition to containers that are in good condition, and mark containers with the date upon which the waste began to accumulate. The requirement to label containers holding hazardous waste is an integral part of the regulatory program because this requirement reduces the potential for mismanagement of hazardous waste. Proper labeling of hazardous waste provides important information regarding the chemical properties of the waste for emergency responders who may be called to a facility during a fire, spill or release. Additionally, the accumulation start date enables generators and regulatory authorities to track the amount of time hazardous waste is stored at the facility. This requirement is of significant concern to the regulatory program because it helps ensure that hazardous waste is not stored onsite for extended periods of time. Storage exceeding certain time thresholds require the generator to obtain a hazardous waste storage unit. Also, State regulations require that generators immediately transfer hazardous waste stored in containers that are in poor condition to containers that are in good condition to reduce the potential for spill or release of hazardous waste.</p> <p>(2) Environmental conditions: The containers were stored outdoors.</p> <p>(3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed six 55-gallon containers, one 1/3 full 55-gallon container, and one 5-gallon container holding waste gasoline mixture that was not labeled and not marked with an accumulation start date. Additionally, RIDEM’s inspector observed that three of the 55-gallon containers and the one 5-gallon container were in poor condition (rusting or slash in the cover) and were not immediately transferred to a container in good condition.</p> <p>(4) Toxicity or nature of the pollutant: The containers held ignitable characteristic hazardous waste in the form of waste gasoline mixture, comprised of benzene, naphthalene, toluene, and xylene. Inhalation can lead to nose and throat irritation, headaches, dizziness, nausea, and difficulty breathing. Additionally, spills or leaks of gasoline can cause contamination of soil and groundwater.</p> | | |
| (continued) | | |

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- (5) **Duration of the violation:** Failure to label containers: Full duration unknown – but at least approximately 36 days. RIDEM’s inspector observed the containers not labeled during the 25 June and 31 July 2025 inspections.
- Failure to immediately transfer hazardous waste from a container in poor condition to a container that is in good condition and mark with an accumulation start date: Full duration unknown, but at least one day. RIDEM’s inspector observed these violations during the 31 July 2025 inspection.
- (6) **Areal extent of the violation:** Considered, but not utilized for this calculation.
- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the violation by labeling the containers, immediately transferring hazardous waste from the containers that are in poor condition to containers that are in good condition, and marking the accumulation start date. On 12 August 2025, the Respondent shipped the containers holding hazardous waste to a licensed facility.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

| | | |
|-------|-----------------------|-------|
| MAJOR | <u> X </u> MODERATE | MINOR |
|-------|-----------------------|-------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|---------------------------------------|---------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 \$6,250 | \$2,500 to \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 | \$250 to \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: Failure to Maintain Spill Control Equipment

VIOLATION NO.: C (6)

| TYPE | | |
|---|--|---|
| ___ TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare, or environment. | <u>X</u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment. | ___ TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare, or environment. |
| DEVIATION FROM THE STANDARD THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to store spill control and emergency equipment at or near all areas where hazardous waste is generated or stored at the facility. This requirement is important because it allows personnel to respond immediately to leaks, spills or releases to contain or cleanup the release which could reduce contamination and injury to personnel. (2) Environmental conditions: The containers were stored outdoors not under a roofed structure or on an impervious surface. (3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed six 55-gallon containers, one 1/3 full 55-gallon container, and one 5-gallon container holding gasoline mixture. (4) Toxicity or nature of the pollutant: The containers held ignitable characteristic hazardous waste in the form of waste gasoline mixture, comprised of benzene, naphthalene, toluene, and xylene. Inhalation can lead to nose and throat irritation, headaches, dizziness, nausea, and difficulty breathing. Additionally, spills or leaks of gasoline can cause contamination of soil and groundwater. (5) Duration of the violation: Full duration unknown, but at least one day. RIDEM’s inspector observed the violation during the 31 July 2025 inspection. (6) Areal extent of the violation: Considered, but not utilized for this calculation. | | |
| (continued) | | |

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the violation by maintaining spill control and emergency equipment at or near all areas where hazardous waste is stored. On 12 August 2025, the Respondent shipped the containers holding hazardous waste to a licensed facility.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

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| MAJOR | <u> X </u> MODERATE | MINOR |
|--------------|-------------------------------------|--------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|----------------------|--------------------------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 | \$2,500 to \$6,250 \$2,500 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 | \$250 to \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: Hazardous Waste Weekly Container Inspection Logs

VIOLATION NO.: C (7)

| TYPE | | |
|--|---|--|
| <p style="text-align: center;"><u> </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;"><u> </u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;"><u> X </u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p> |
| DEVIATION FROM THE STANDARD | | |
| THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to document weekly container accumulation inspections of the container storage areas (Outdoor Yard Fuel Storage and Outdoor Yard (Adjacent to Caged Area)). State regulations require generators to inspect areas in which hazardous waste is stored in containers and maintain written logs documenting the results of the inspections. The requirement for generators to inspect container storage areas enables generators to identify containers that have been damaged or deteriorated as a result of corrosion or other factors providing a safeguard against releases of hazardous waste. (2) Environmental conditions: The containers were stored outdoors not under a roofed structure or on an impervious surface. (3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed six 55-gallon containers, one 1/3 full 55-gallon container, and one 5-gallon container holding gasoline mixture. (4) Toxicity or nature of the pollutant: The containers held ignitable characteristic hazardous waste in the form of waste gasoline mixture, comprised of benzene, naphthalene, toluene, and xylene. Inhalation can lead to nose and throat irritation, headaches, dizziness, nausea, and difficulty breathing. Additionally, spills or leaks of gasoline can cause contamination of soil and groundwater. (5) Duration of the violation: Full duration unknown; however, Respondent failed to document weekly container inspections for at least 3 years. (6) Areal extent of the violation Considered, but not utilized for this calculation. | | |
| (continued) | | |

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the violation by documenting and maintaining weekly container inspection logs. On 12 August 2025, the Respondent shipped the containers holding hazardous waste to a licensed facility.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

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|--------------|-----------------|---------------------------|
| MAJOR | MODERATE | <u> X </u> MINOR |
|--------------|-----------------|---------------------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|----------------------|---------------------|------------------------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 | \$2,500 to \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 | \$250 to \$1,250 \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: Hazardous Waste Personnel Training and Contingency Plan

VIOLATION NOs.: C (8) & C (9)

| TYPE | | |
|--|---|--|
| <p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;"><u>X</u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p> |
| DEVIATION FROM THE STANDARD | | |
| <small>THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</small> | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to develop and maintain a written hazardous waste management employee training program for its employees who manage and handle hazardous waste. Hazardous waste training helps ensure that a facility will be operated in compliance with the regulations and reduces the potential for spills or releases of hazardous waste by teaching employees proper waste handling practices. Respondent also failed to develop and maintain a hazardous waste contingency plan onsite. The State regulations require small quantity generators to develop and maintain a contingency plan if the facility does not post the name and phone number of its emergency coordinators and the number for the local fire department, the national response center, and the RIDEM and the location of spill control equipment, and fire alarm were not clearly marked posted near or next to the phones at the Facility. The contingency plan is required to contain procedures to follow to minimize hazards posed to human health and the environment from fire, explosions, or planned or unplanned releases involving hazardous waste. A contingency plan reduces the potential for injury of employees and/or response personnel that may be called upon for assistance during a fire, spill or release incident. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed six 55-gallon containers, one 1/3 full 55-gallon container, and one 5-gallon container holding gasoline mixture. (4) Toxicity or nature of the pollutant: The containers held ignitable characteristic hazardous waste in the form of waste gasoline mixture, comprised of benzene, naphthalene, toluene, and xylene. Inhalation can lead to nose and throat irritation, headaches, dizziness, nausea, and difficulty breathing. Additionally, spills or leaks of gasoline can cause contamination of soil and groundwater. | | |
| (continued) | | |

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- (5) **Duration of the violation:** Upon information and belief for at least 3 years. Respondent stated that the facility does not have a hazardous waste training program and that a hazardous waste contingency plan was not developed nor did RIDEM's inspector observed the required postings. The containers had begun accumulating since the last RIDEM inspection in 2019.
- (6) **Areal extent of the violation:** Considered, but not utilized for this calculation.
- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the noncompliance by developing and maintaining a training program, providing the training to personnel that manage or handle hazardous waste and by developing a hazardous waste contingency plan or posting the required information. On 12 August 2025, the Respondent shipped the containers holding hazardous waste to a licensed facility.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

| | | |
|--------------|------------------------------|--------------|
| MAJOR | <u> X </u> MODERATE | MINOR |
|--------------|------------------------------|--------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|----------------------|--------------------------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 | \$2,500 to \$6,250 \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 | \$250 to \$1,250 |

PENALTY MATRIX WORKSHEET

CITATION: AST Open

VIOLATION NO.: C (10)

| TYPE | | |
|---|--|--|
| <p style="text-align: center;">_____ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;">___X___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p> | <p style="text-align: center;">_____ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p> |
| DEVIATION FROM THE STANDARD | | |
| THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED. | | |
| <p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Rules.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to keep an aboveground storage tank holding used oil closed. State regulations require used oil generators to keep used oil ASTs closed to reduce the potential for mismanagement and/or unplanned releases of used oil. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: At the time of the inspection RIDEM’s inspector observed one 110-gallon AST holding used oil that was not closed. (4) Toxicity or nature of the pollutant: Used oil is a known to cause soil contamination when released to the environment and may contain constituents that are suspected human carcinogens. (5) Duration of the violation: Full duration unknown, but at least one day. RIDEM’s inspector observed the AST open during the 31 July 2025 inspection. (6) Areal extent of the violation: Considered, but not utilized for this calculation. (7) Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance: Respondent failed to take reasonable and appropriate steps to prevent the violation by keeping the AST closed. RIDEM has no information of what steps, if any, the Respondent has taken to mitigate the noncompliance. (8) Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by RIDEM, or any law which RIDEM has the authority or responsibility to enforce: Respondent previously received a Letter of Non-Compliance from RIDEM dated 31 October 2019 for failure to comply with used oil closed AST regulation. | | |
| (continued) | | |

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- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Respondent had complete control over the occurrence of the violation and failed to take steps to prevent the occurrence.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

| | | |
|--------------|-----------------|----------------------------------|
| MAJOR | MODERATE | <u> X </u> MINOR |
|--------------|-----------------|----------------------------------|

| Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000 | | TYPE I | TYPE II | TYPE III |
|---|-----------------|----------------------|--------------------------------------|--------------------|
| DEVIATION FROM STANDARD | MAJOR | \$12,500 to \$25,000 | \$6,250 to \$12,500 | \$2,500 to \$6,250 |
| | MODERATE | \$6,250 to \$12,500 | \$2,500 to \$6,250 | \$1,250 to \$2,500 |
| | MINOR | \$2,500 to \$6,250 | \$1,250 to \$2,500 \$1,250 | \$250 to \$1,250 |