

New York State Department of Environmental Conservation

Office of General Counsel, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

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Website: www.dec.ny.gov



Joe Martens
Commissioner

CERTIFIED - RETURN RECEIPT REQUESTED

7012 3050 0000 4246 3887

December 9, 2013

Michael Bucciferro
Amsterdam Printing & Litho, Inc.
166 Wallins Corners Road
Amsterdam, NY 12010

Re: Order of Consent
R4-2013-1004-122

Dear Mr. Bucciferro:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$7,100 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery
Assistant Regional Attorney
Region 4

Enclosure

ec: A. Elliot

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 27,
Title 13 of the Environmental Conservation Law

-by-

ORDER ON CONSENT
File No. R4-2013-1004-122

Amsterdam Printing & Litho, Inc.
166 Wallins Corners Road
Amsterdam, NY 12010

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is responsible for regulation of hazardous waste management pursuant to Article 27, Title 13 of the Environmental Conservation Law (the "ECL").
2. On July 13, 2013, Department staff performed an inspection ("inspection") of Amsterdam Printing & Litho, Inc., 166 Wallins Corners Road, Amsterdam, New York ("facility"). The facility has EPA Identification Number NYD002066777.

First Violation

3. At the time of the inspection, Department staff determined, based upon a review of Respondent's manifest records and the facility's operation, that waste was generated and stored on-site for more than 270 days on three occasions, specifically April 20, 2010, May 12, 2012, and April 15, 2013.
4. Regulations at 6 NYCRR 372.2(a)(8)(iv) provide that small quantity generators are allowed to store waste on site up to 270 days when the disposal facility is more than 200 miles away.
5. Respondent's disposal facility is more than 200 miles away.
6. Respondent violated regulations at 6 NYCRR 372.2(a)(8)(iv) by storing waste generated on-site, for more than 270 days.

Second Violation

7. At the time of the inspection, Department staff determined that neither letter codes in Box 13 nor Management Method codes in Box 19 were designated on five manifests for the F006 cylinders, specifically 000183842JJK (4/6/10), 000183511JJK (3/7/11), 000184744JJK (10/20/11), 000184667JJK (6/19/12), and 20130228APL (2/28/13).

8. Regulations at 6 NYCRR 372.2(b)(2)(ii) provides that for each hazardous waste listed in Box 9 on the manifest, a corresponding letter (B, L, T or R) must be indicated in Box 13 if the receiving facility is not the ultimate disposal facility.

9. The receiving facility for Respondent's hazardous waste is not the ultimate disposal facility.

10. Respondent violated regulations at 6 NYCRR 372.2(b)(2)(ii) by failing to designate the corresponding letter in Box 13 for each hazardous waste listed in Box 9 of the manifest.

Third Violation

11. At the time of the inspection, Manifests 000184744JJK (10/20/11) and 20130228APL (2/28/13) were on file at the facility but they were not in New York State's database, and the generator could not demonstrate that copies had been mailed to the state.

12. Regulations at 6 NYCRR 372.2(b)(3)(iii) require that copies of the Manifests must be distributed to both the generator state (NY) and the destination state if different from the generator state.

13. Respondent violated regulations at 6 NYCRR 372.2(b)(3)(iii) by failing to distribute copies of the Manifests to New York State.

Fourth Violation

14. At the time of the inspection, Department staff determined that Respondent had not recently given its annual refresher training related to RCRA and the last documentation in the file was dated 2007.

15. Regulations at 6 NYCRR 373-3.2(g)(3) provides that generators that operate wastewater treatment units must ensure that facility personnel have taken part in an annual review of initial training related to RCRA.

16. Respondent violated regulations at 6 NYCRR 373-3.2(g)(3) by failing to ensure that facility personnel have taken part in an annual review of initial training related to RCRA.

Fifth Violation

17. At the time of the inspection, Department staff determined that Respondent's Contingency Plan was not updated. The plan is required to qualify for the waste water treatment exemption.

18. Regulations at 6 NYCRR 373-3.4(e) provide that generators that operate wastewater treatment units must amend the Contingency Plan when the list of emergency coordinators changes.

19. Respondent violated 6 NYCRR 373-3.4(e) by failing to update its Contingency Plan.

Civil Penalties

20. ECL Section 71-2705(1) provides for a maximum civil penalty of \$37,500 for the first day of a violation and each day thereafter of a regulation promulgated under Title 13 of ECL Article 27.

Waiver of Hearing

21. The Respondent hereby consents to the issuance and entry of the foregoing Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

NOW, being duly advised and having considered this matter, **IT IS HEREBY ORDERED THAT:**

I. Civil Penalty

With respect to the aforesaid violations, a civil penalty in the amount of SEVEN THOUSAND ONE HUNDRED DOLLARS (\$7,100) is hereby assessed against the Respondent which shall be payable to the New York State Department of Environmental Conservation by money order or certified check at the time this Order is signed, notarized and returned to the Department. Payment of the above penalties shall not in any way alter Respondent's obligation to complete performance under the terms of this Order.

II. Indemnification

Respondent shall indemnify and hold harmless New York State, DEC, and any of their representatives, employees or contractors for all claims, actions, damages, and costs of any name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions of this Order by Respondent, their employees, contractors, servants, agents, successors or assigns.

III. Other Remedies

Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting the following: (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that DEC may have against anyone other than Respondent; (2) DEC's right to enforce, administratively or otherwise, the terms, provisions and conditions of this Order against Respondent, its employees, servants, agents, successors and assigns in the event that Respondent shall be in breach of the provisions hereof, and to subject Respondent to penalties for such violations, or for other violations of the ECL; and (3) the Respondent's right to challenge any such action by the Department, whether by administrative hearing or otherwise, to the extent otherwise permitted by law or this Order on Consent.

IV. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

V. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

VI. Binding Effect

The provisions of this Order shall be deemed to bind Respondent, its officers, directors, agents, employees, contractors, successors and assigns, and all persons, firms and corporations acting under or for it.

VII. Reports

All reports and submissions herein required shall be made to the Region 4 Headquarters, New York State Department of Environmental Conservation, 1130 North Westcott Road Schenectady, New York, 12306, Att: Regional Hazardous Waste Engineer.

VIII. Inspections

For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question during reasonable hours, in order to inspect and/or require such tests as may be deemed necessary to determine the status of the Respondent's compliance with this Order.

IX. Summary Abatement

The terms of this Order shall not be construed to prohibit the Commissioner of his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

X. Schedule of Compliance

Respondent shall comply with the attached Schedule of Compliance which is incorporated into this Order.

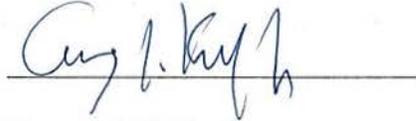
XI. Termination of Order on Consent

This Order on Consent, including the Schedule of Compliance requirements, shall terminate one year after the effective date of this Order on Consent.

DATED: 12/9, 2013
Rotterdam, New York

Joseph Martens
Commissioner
New York State Department of
Environmental Conservation

BY:

A handwritten signature in cursive script, appearing to read "Eugene J. Kelly, Jr.", is written over a horizontal line.

Eugene J. Kelly, Jr.
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry of the foregoing Order, waives its rights to a hearing herein as provided by law, and agrees to be bound by the provisions, terms and conditions contained herein.

Amsterdam Printing & Litho, Inc.

BY: David Wachasiak

TITLE: VP FINANCE

DATE: DEC 4TH 2013

STATE OF NEW YORK)

COUNTY OF Montgomery)ss.:

On the 4 day of December in the year 2013 before me, the undersigned, a Notary Public in and for the State, personally appeared David Wachasiak personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Brenda Dado
Notary Public

Qualified in the County of: Montgomery
My Commission Expires: 7-26-17

BRENDA DADO
Notary Public for New York
No. 01DA6028213
Qualified in Montgomery County
Comm. expires 7-26-17

Schedule of Compliance

1. Within 30 days of the effective date of this Order, Respondent shall submit to the Department, records to establish that all employees requiring RCRA-related training have received training.