

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TX

REGIONAL HEARING CLERK
EPA REGION 6

IN THE MATTER OF:	§	
	§	
	§	
Systech Environmental Corporation	§	Consent Agreement and Final Order
	§	USEPA Docket No. RCRA-06-2024-0930
	§	
RESPONDENT	§	
	§	

CONSENT AGREEMENT AND FINAL ORDER

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Systech Environmental Corporation ("Respondent" or "Systech") and concerns the facility located at 2701 N. 145th East Avenue, Tulsa, OK 74116 (the "Facility").
2. Notice of this action has been given to the State of Oklahoma, under Resource Conservation and Recovery Act (RCRA) § 3008(a)(2), 42 U.S.C. § 6928(a)(2)¹.
3. For the purpose of this CAFO, where applicable, citations are made only to the Code of Federal Regulations ("C.F.R") since the relevant Oklahoma Administrative Code, Title 252,

¹ On January 10, 1985, the State of Oklahoma received final authorization for its base Hazardous Waste Management Program (49 FR 50362). Subsequent revisions have been made to the Oklahoma Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this order are to the "EPA-Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated March 2019, incorporated by reference under 40 C.F.R. § 272.1851(c)(1)(i) effective on March 13, 2019. 84 Fed. Reg. 8988 (March 13, 2019); 40 C.F.R. 272.1851: Oklahoma State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Oklahoma's published version. The corresponding C.F.R. citations are also provided.

Chapter 205, Sections 252:205-3-2 1 has incorporated by reference 40 C.F.R, § 260, 261, 262, 270.

4. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.
5. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO and waives all defenses which have been raised or could have been raised to the claim in the CAFO.
6. The CAFO resolves only those violations which are alleged herein.
7. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

II. JURISDICTION

8. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928, as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).
9. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of

this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO and agrees not to contest the validity of this CAFO or its terms or conditions.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

10. Respondent is a corporation authorized to do business in the State of Oklahoma.
11. Respondent is a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.
12. Respondent owns and/or operates the Facility identified in Paragraph 1.
13. Respondent operates the Facility as a fuel quality hazardous waste disposal facility.
14. The Facility is a "facility" within the meaning of 40 C.F.R. § 260.10.
15. The Facility operates with the assigned EPA ID Number OKR000025452 and an Oklahoma Department of Environmental Quality RCRA Permit #000025452.
16. Respondent is a "generator" of "hazardous waste" as those terms are defined in 40 C.F.R. § 260.10.
17. Pursuant to 40 C.F.R. § 270.1(c), RCRA requires a permit for the "treatment," "storage," and "disposal" of any "hazardous waste" as identified or listed in 40 C.F.R. Part 261. The terms "treatment," "storage," "disposal," and "hazardous waste" are defined in 40 C.F.R. § 270.2.
18. Respondent is a "treatment, storage, and disposal facility" as notified to the State of Oklahoma and in Section A, Part A Application of its Oklahoma Department of Environmental Quality Permit #000025452.

19. Respondent's facility conducts "management or hazardous waste management" operations as those terms are defined in 40 C.F.R. § 260.10.
20. During the week of July 22, 2019, EPA conducted a RCRA investigation ("Investigation") of the Facility's activities as a generator, as well as a treatment, storage, and disposal facility of hazardous waste.
21. On March 7, 2023, the EPA conducted a follow up conference call with Respondent regarding the violations alleged herein and provided an opportunity for the Respondent to submit additional information and documentation.
22. Pursuant to 40 C.F.R. § 270.1, the permit regulations establish provisions for the Hazardous Waste Permit Program under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976.
23. Pursuant to 40 C.F.R. § 270.4, compliance with a RCRA permit during its term constitutes compliance, for the purposes of enforcement, with Subtitle C or RCRA except for those requirements not included in the permit.

IV. ALLEGED VIOLATIONS

Claim 1. Failure to Meet Personnel Training Requirements under 40 CFR 264.16(a)

24. The allegations in Paragraphs 1-23 are realleged and incorporated by reference.
25. Pursuant to 40 CFR 264.16(a), Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part.
26. During the Investigation, EPA determined that the Facility failed to comply with the requirements regarding personnel training, specifically regarding emergency preparedness.

27. Respondent violated the requirements in 40 CFR 264.16(a) by failing to comply with the respective personnel training requirements.

Claim 2. Failure to Comply with 40 CFR 264.16(d)(4)

28. The allegations in Paragraphs 1-23 are realleged and incorporated by reference.
29. Pursuant to 40 CFR 264.16(d)(4), the owner or operator must maintain records that document that the training or job experience required under paragraphs (a), (b), and (c) of this section has been given to, and completed by, facility personnel.
30. During the Investigation, EPA determined that there are not adequate records showing that the training required under 40 CFR 264.16(a), (b), and (c) had been given to facility personnel and completed.
31. Respondent violated the requirements in 40 CFR 264.16(d)(3) by failing to comply with the respective personnel training records requirements.

V. COMPLIANCE ORDER

32. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within sixty (60) calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:
 - A. Respondent shall certify that it has implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the System Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) training of hazardous waste facility personnel; and (b) maintaining records that document

the training or job experience required has been given to, and completed by, facility personnel.

- B. Respondent shall certify the cost of implementation of injunctive relief.
33. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of the Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECDSR)
ATTN: Gabriel Salinas
Dallas, Texas 75270-2102

Where required, notice shall be sent electronically by email to Enforcement Officer Gabriel Salinas, respectively at salinas.gabriel@epa.gov.

VI. TERMS OF SETTLEMENT

A. Penalty Provisions

34. Pursuant to the authority granted in Section 3008(a) of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness of the alleged violations, and Respondent's good faith efforts to comply with

the applicable regulations, it is ordered that Respondent be assessed a civil penalty of \$9,482.86 (Nine thousand, four hundred eighty two dollars and eighty six cents).

35. The penalty shall be paid thirty (30) calendar days of the effective date of this CAFO and made payable to the Treasurer United States.
36. The EPA web address, <http://www.epa.gov/financial/additional-instructions-making-payments-epa>, provides a list of options available for transmitting payment of penalties.

Options for payment include:

Electronic payments may be made via Pay.gov. <https://www.pay.gov/public/search>.

For Remittance by Regular Mail, U.S. Postal Mail (including certified mail) or U.S.

Postal Service Express Mail, the check should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197-9000

Overnight Mail (non-U.S. Postal Service), the check should be remitted to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Wire Transfer:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of Systech Environmental Corporation, Docket No. RCRA-06-2024-0930) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

37. The Respondent shall send a simultaneous notice of such payment to the following:
Lorena S. Vaughn
Regional Hearing Clerk (ORC)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
vaughn.lorena@epa.gov

-AND-

U.S. EPA, Region 6
1201 Elm Street, Suite 500
Enforcement and Compliance Assurance Division (ECDSR)
ATTN: Gabriel Salinas
Dallas, Texas 75270-2102
salinas.gabriel@epa.gov

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

38. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

39. Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. Costs

40. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

C. Termination and Satisfaction

41. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section V (Compliance Order), Paragraph 33. Unless the EPA, Region 6

objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

D. Effective Date of Settlement

42. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT AGREEMENT AND FINAL ORDER:

FOR THE RESPONDENT:

Date: _____

Sophie WU Digitally signed by Sophie WU
Date: 2024.01.06 08:30:28 -05'00'

Sophie Wu, Chief Executive Officer
System Environmental Corporation

FOR THE COMPLAINANT:

Date: _____

 Digitally signed by CHERYL
SEAGER
Date: 2024.01.09 14:45:42
-06'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: _____

THOMAS RUCKI Digitally signed by THOMAS RUCKI
Date: 2024.01.10 08:21:22 -05'00'

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

carter.courtney@epa.gov

Copy via Email to Respondent:

terri.kanouse@sysenv.com



EPA Region 6 Representative