

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

10/31/2022

2:53pm

Received by
EPA Region VIII

IN THE MATTER OF:

Docket No. RCRA-08-2023-0002 Hearing Clerk

Chemtrade Refinery Services
140 Goes in Lodge Road, Riverton, Wyoming
EPA ID. No. WYD042634865

**EXPEDITED SETTLEMENT
AGREEMENT**

Respondent

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (EPA) is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and 40 C.F.R. § 22.13(b).
2. Chemtrade Refinery Services (Respondent) is the owner or operator of the facility at 140 Goes in Lodge Road, Riverton, Wyoming (Facility). The EPA inspected the facility on August 17, 2021. The EPA alleges that Respondent violated the following requirements of the RCRA.
 - a. **Storage of hazardous waste without a permit or interim status:** The regulations at 40 C.F.R. Part 262 allow a large quantity generator of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The following conditions were not met during the inspection:
 - i. 40 C.F.R. § 262.17(a)(5)(i) requires that Large Quantity Generators (LQGs) of hazardous waste mark hazardous waste containers with the words “Hazardous Waste,” with an indication of the hazards presented by the waste, and with the accumulation start date. On 8/17/2021, one hazardous waste container was not labeled with the words “Hazardous Waste,” two hazardous waste containers were not labeled with an indication of the hazards, and 16 hazardous waste containers were not marked with the accumulation start date. One labeling issue was corrected during the inspection, and documentation demonstrating that the remaining labeling issues were resolved was received on 8/24/2021 and 1/31/2022.
 - ii. 40 C.F.R. § 262.15(a)(5)(ii) requires that LQGs mark satellite accumulation containers with an indication of the hazards presented by the waste. On

8/17/2021, one satellite accumulation container was not marked with an indication of the hazards. Documentation demonstrating that the indication of the hazard (corrosive) had been added to labeling was received on 8/24/2021.

- iii. 40 C.F.R. § 262.17(a) requires that LQGs accumulate hazardous waste on site for no more than 90 days. On 8/17/2021, one drum containing hazardous waste was labeled with an accumulation start date of 2/2/2021. Documentation that this waste was removed from the drum shed and shipped for disposal was received on 1/31/2022.
- iv. 40 C.F.R. § 262.17(a)(7)(i)(A) requires that LQG facility personnel complete training that educates them to perform their duties in a way that ensures compliance with the regulations. Training documentation submitted to EPA on 1/31/2022 did not include the full requirements for container labeling.
- v. 40 C.F.R. § 262.262(b) requires that LQGs have a quick reference guide to their contingency plan, and that the quick reference guide must be submitted to the local emergency responders identified at 40 C.F.R. § 262.262(a). On 1/31/2022, an Emergency Response Plan that includes as its Appendix 12 a Large Quantity Generator Contingency Plan was submitted but did not include a quick reference guide.

b. Storage of Universal Waste in Excess of the Accumulation Time Limit

40 C.F.R. § 273.15(a) requires that a small quantity handler of universal waste accumulate universal waste for no longer than one year from the date it was generated. On 8/17/2021, two containers of universal waste bulbs and two containers of universal waste batteries were closed and appropriately labeled but had been stored for more than one year as indicated by container labeling. Documentation stating that the universal waste was shipped for proper disposal was received on 8/24/2021.

c. Used Oil Spill Cleanup Not Performed Upon Detection

40 C.F.R. § 279.22(d) requires that upon detection of a release of used oil, clean up must be performed. On 8/17/2021, a spill of used oil in the waste corral had not been cleaned up. Documentation that cleanup had been completed was received by EPA on 8/24/2021.

- 4. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) is in the public interest.
- 5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the

opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA; and (7) consents to electronic service of the filed Agreement and Final Order.

7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that the alleged violations **have** been corrected and Respondent has submitted true and accurate documentation of such correction.
8. Within thirty (30) calendar days of the effective date of this Agreement, Respondent must pay the civil penalty of \$8,750 using any method provided on the following website: <https://www.epa.gov/financial/makepayment>. Such payment shall identify Respondent by name and include the docket number assigned to this Agreement by the Regional Hearing Clerk.
9. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
10. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind Respondent to it.
11. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
12. Each party shall bear its own costs and fees, if any.
13. In accordance with 40 C.F.R. § 22.31(b), this Agreement is effective upon filing of the Final Order for this matter and thereafter binding upon the parties.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8.**

Date: _____

By: _____

Janice A. Pearson, Manager
RCRA/OPA Enforcement Branch
Enforcement and Compliance Assurance Division

Complainant.

**Chemtrade Refinery Services
Respondent.**

Date: 10/25/2022

By: Naveen Rajkumar

Printed Name: NAVEEN RAJKUMAR