

Message Confirmation Report

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101  
Environmental Protection Director  
Region VII  
Records Management Clerk

IN THE MATTER OF: )  
)  
)  
Clean Harbors Environmental Services, Inc. ) CONSENT AGREEMENT  
2247 South Highway 71 ) AND FINAL ORDER  
Kimball, Nebraska 69145 )  
)  
)  
EPA ID Number NED981723513 )  
)  
)  
Respondent. )  
) Docket No. RCRA-07-2009-0009  
)  
Proceeding under Section 3008 (a) and (g) of )  
the Resource Conservation and Recovery Act )  
as amended, 42 U.S.C. § 6928(a) and (g). )  
)

I. PRELIMINARY STATEMENT

This proceeding was initiated on or about September 24, 2009, when the United States Environmental Protection Agency, Region VII ("Complainant" or "EPA") issued a Complaint, Compliance Order and Notice of Opportunity for Hearing to Clean Harbors Environmental Services, Inc. ("Respondent"). Pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984 (hereinafter known as RCRA), Title 42 United States Code (U.S.C.), Section 6901 et seq., the Complainant sought civil penalties for alleged violations of Title 40 of the Code of Federal Regulations ("C.F.R."), Parts 264.173(a), 268.50(a)(2)(i), 264.171, 273.33(d), 264.177(c), 264.31, 262.11, 264.175(b), 264.193(e)(1)(iii), 264.193(e)(2)(iv), 264.72, 264.73, 264.1082(b) and 264.1084(d)(5), analogous requirements of Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska and of Respondent's Hazardous Waste Treatment and Storage Facility Permit. Respondent filed an Answer denying certain allegations of the Complaint and contested issuance of the Compliance Order.

The Complainant and Respondent subsequently entered into negotiations concerning the Compliance Order and attempted to settle the allegations contained in the Complaint. This Consent Agreement and Final Order is the result of such negotiations and resolves all issues relating to the Compliance Order and the civil administrative claims arising from the allegations in the Complaint.