

FILED

September 18, 2026

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**U.S. EPA REGION 10
HEARING CLERK**

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:) DOCKET NO. RCRA-10-2026-0271
)
CLEAN HARBORS) **CONSENT AGREEMENT**
ENVIRONMENTAL SERVICES, INC.)
)
Kent, Washington,)
)
Respondent.)

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 3008 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928.

1.2. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA granted the State of Washington final authorization to administer and enforce a hazardous waste program and to carry out such program in lieu of the federal program.

1.3. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce the federally-approved Dangerous Waste program codified at Washington Administrative Code (“WAC”) Chapter 173-303.

1.4. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), notification of this action has been given to the Washington State Department of Ecology.

1.5. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,”

40 C.F.R. Part 22, EPA issues, and Clean Harbors Environmental Services, Inc. (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Background

3.1 In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. The Hazardous Waste and Solid Waste Amendments of 1984 (HSWA) provides additional authority under RCRA to regulate hazardous wastes. Under Subtitle C of RCRA, RCRA Section 3001 *et seq.*, 42 U.S.C. § 6921 *et seq.*, the EPA has the authority to identify and list hazardous wastes. RCRA Subtitle C also authorizes the EPA to regulate hazardous waste generators, transporters, exporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. The EPA promulgated federal

regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270, 273, and 279.

3.2 RCRA Section 1004(15), 42 U.S.C. § 6903(15), defines the term “person” to mean “an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body and shall include each department, agency, and instrumentality of the United States.”

3.3 The regulation at WAC 173-303-016(3)(a) defines solid waste as “any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).” In accordance with WAC 173-303-016(4), “materials are solid waste if they are abandoned by being (a) disposed of; (b) burned or incinerated; or (c) accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated”

3.4 The regulation at WAC 173-303-040 defines “dangerous wastes” to mean “those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste.” In accordance with WAC 173-303-070(3), a solid waste is a “dangerous waste” if, inter alia, the waste is a listed dangerous waste source under WAC 173-303-082 or the waste exhibits any dangerous waste characteristics identified in WAC 173-303-090.

3.5 The regulation at WAC 173-303-040 defines “facility” to mean “All contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste.”

3.6 The regulation at WAC 173-303-040 defines “storage” to mean “the holding of dangerous waste for a temporary period.

3.7 The regulation at WAC 173-303-040 defines “transfer facility” to mean “any transportation related facility including loading docks, parking areas, storage areas, buildings, piers, and other similar areas where shipments of dangerous waste are held consolidated, or transferred within a period of ten days or less during the normal course of transportation.”

3.8 The regulation at WAC 173-303-040 defines “transporter” as “a person engaged in the off-site transportation of dangerous waste.”

3.9 The regulation at WAC 173-303-040 defines “treatment” to mean “the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

General Allegations

3.10 Respondent is a corporation incorporated under the laws of the Commonwealth of Massachusetts. Therefore, Respondent is a person as defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15).

3.11 At all times relevant to this Consent Agreement, Respondent was the owner or operator of the facility located at 7800 South 206th Street, Kent, Washington (Site Identification No. WAH000059265) (“Facility”).

3.12 At all times relevant to this Consent Agreement, Respondent was a dangerous waste transporter.

3.13 On or around October 7, 2022, Respondent accepted 2,600 gallons of waste gasoline mixture from Chevron Products Company – SLC Terminal in Salt Lake City, Utah. At all times relevant to this Consent Agreement, the waste gasoline mixture met the definition of Dangerous Waste at WAC 173-303-040. The waste gasoline mixture exhibited the ignitability and toxicity dangerous waste criteria.

Violation 1: Treatment of Dangerous Waste Without a Permit

3.14 In accordance with WAC 173-303-800(2), the owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (“TSD”) or recycles dangerous waste must obtain a permit covering, inter alia, the active life, closure period, and groundwater protection compliance period.

3.15 On or around October 10, 2022, Respondent transferred 2,300 of the 2,600 gallons of waste gasoline mixture to a TSD in Tacoma, Washington. Respondent brought the remaining 300 gallons of waste gasoline mixture to the Facility.

3.16 On at least one occasion between October 10, 2022, and October 27, 2022, employees of Respondent stirred the 300 gallons of waste gasoline mixture to dislodge solids and allow additional pumping of the liquids. This action meets the definition of treatment in WAC 173-303-040.

3.17 At no time relevant to this Consent Agreement did Respondent obtain a permit to transfer, treat, store, or dispose of dangerous waste at the facility.

3.18 Therefore, on at least one occasion between October 10, 2022, and October 27, 2022, Respondent treated dangerous waste without a permit in violation of WAC 173-303-800.

Violation 2: Storage of Dangerous Waste Without a Permit

3.19 In accordance with WAC 173-303-240(8), a transporter who accumulates or stores manifested shipments of dangerous waste for more than ten days at a transfer facility is subject to the dangerous waste management facility general requirements and permit requirements of this chapter with respect to the storage of those wastes.

3.20 On or around October 27, 2022, Respondent transported the 300 gallons of waste gasoline mixture to a TSD in Tacoma, Washington. The TSD accepted 150 of the 300 gallons of the waste gasoline mixture. Respondent brought the remaining 150 gallons of waste to the Facility.

3.21 Between at least October 27, 2022, and October 5, 2023, Respondent stored the waste gasoline at the Facility. This action meets the definition of storage in WAC 173-303-040.

3.22 At no time relevant to this Consent Agreement did Respondent obtain a permit to transfer, treat, store, or dispose of dangerous waste at the facility.

3.23 Therefore, between at least October 27, 2022, and October 5, 2023, Respondent stored dangerous waste without a permit in violation of 173-303-800.

Violation 3: Failure to Register as a Transfer Facility

3.24 In accordance with WAC 173-303-240(6), a transporter who owns or leases and operates a transfer facility within Washington that is related to their dangerous waste transportation activities must register with the Washington State Department of Ecology.

3.25 On at least one occasion between October 10, 2022 and October 27, 2022, Respondent operated the Facility as a transfer facility as that term is defined in WAC 173-303-040.

3.26 At no time relevant to this Consent Agreement did Respondent register the Facility as a dangerous waste transfer facility with the Washington State Department of Ecology.

3.27 Therefore, on at least one occasion between October 10, 2022 and October 27, 2022, Respondent violated WAC 173-303-240(6).

3.28 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$124,426 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$195,000 (the “Assessed Penalty”).

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payments under this Consent Agreement and the Final Order shall be paid by any of the electronic methods specified at www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment its name and the docket number of this action.

4.6. Concurrently with all payments or within 24 hours of any payment, Respondent must serve copies of proof of payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Kyle Masters
U.S. Environmental Protection Agency
Region 10
Via electronic mail to:
masters.kyle@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the receipt or confirmation of payment method, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.7. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

a. Interest. To protect the interests of the United States, any unpaid portion of the Assessed Penalty shall bear interest at the rate set at the Internal Revenue Service (“IRS”) large corporate underpayment rate applicable on the effective date of the Final Order and non-variable throughout the period of nonpayment, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), Respondent will be assessed a charge to cover EPA’s costs of processing and handling overdue debts.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges that remain delinquent more than 90 days. Nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective action within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. Based on the findings contained in this Consent Agreement, Respondent is also ordered to comply with the following requirement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

a. By no later than November 1, 2027, Respondent must submit a report for all facilities owned or operated by Respondent in the State of Washington that met the definition of “transfer facility” in WAC 173-303-040 at any time between the effective date of this Consent Agreement and Final Order and October 1, 2027. The report must cover the time period between the effective date of this Consent Agreement and Final Order and October 1, 2027. The report must include a certification that all transfer facilities owned or operated by Respondent between the effective date of this Consent Agreement and Final Order and October 1, 2027, continuously complied with transfer facility regulations at WAC 173-303-240(6) or the final facility requirements at WAC 173-303-600 and storage permit requirements at WAC 173-303-800. In addition, the report must be organized by transfer facility and include for each transfer facility:

- i. the ten-day storage records required by WAC 173-303-240(6)(b),
- ii. inspection records required by WAC 173-303-240(6)(d),
- iii. proof of personnel training required by WAC 173-303-240(6)(e)
(including training materials and individuals that completed the training),
and
- iv. a list of all dangerous wastes accumulated or stored at the transfer facility that are not included on the ten-day storage records required by WAC 173-303-240(6)(b) (the list must include for each dangerous waste: a narrative description of the dangerous waste, quantity (in pounds) of the dangerous waste, material type and volume of the container or tank holding the waste, and any applicable dangerous waste codes).

b. The report required by Paragraph 4.10.a must be signed by an authorized representative of Respondent and include the following certification: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 have no personal knowledge that the information submitted is other than 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.”

4.11. Respondent shall provide compliance documentation required to the following addresses:

Kyle Masters
U.S. Environmental Protection Agency, Region 10
Masters.kyle@epa.gov

Rob Reed
Washington State Department of Ecology
rree461@ecy.wa.gov

4.12. The Assessed Penalty and any additional costs incurred under Paragraphs 4.8 and 4.9 represent an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.13. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the IRS annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other

Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at www.irs.gov/pub/irs-pdf/fw9.pdf.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Division at Henderson.Jessica@epa.gov on or before the date that Respondent’s penalty payment is due, pursuant to Paragraph 4.4 or within 7 days should the final order become effective between December 15 and December 31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five days of Respondent's receipt of a TIN issued by the IRS.

4.14. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.15. Except as described in Paragraphs 4.8 and 4.9, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.16. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.17. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.18. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order.

4.19. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

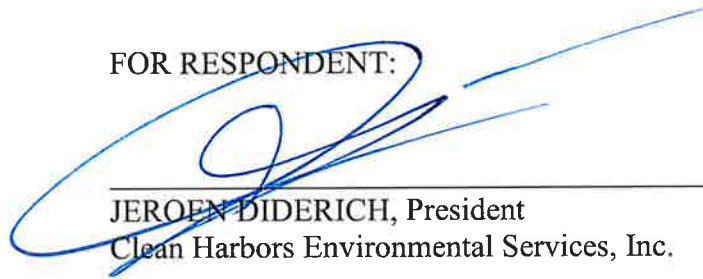
4.20. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

4.21. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

9/10/2026.

FOR RESPONDENT:



JEROEN DIDERICH, President
Clean Harbors Environmental Services, Inc.

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2026-0271
	)	
CLEAN HARBORS	)	FINAL ORDER
ENVIRONMENTAL SERVICES, INC.	)	
	)	
Kent, Washington,	)	
	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall 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 does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Clean Harbors Environmental Services, Inc., Docket No.: RCRA-10-2026-0271**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Brett S. Dugan
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
Dugan.brett@epa.gov

Timmery Fitzpatrick
Assistant General Counsel
Clean Harbors Environmental Services, Inc.
fitzpatrick.timmery@cleanharbors.com

Regional Hearing Clerk
EPA Region 10