

FILED

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**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No.: RCRA-05-2024-0003
)	
)	
Skolnik Industries Inc.)	
4900 S. Kilbourn Avenue, Chicago, Illinois 60632)	EXPEDITED SETTLEMENT
EPA ID. No. ILD984767848)	AGREEMENT AND
)	FINAL ORDER
Respondent)	
)	
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Skolnik Industries Inc. (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$5,000.
2. EPA inspected Skolnik Industries Inc. on June 9, 2022. Complainant has determined Respondent violated the following sections of RCRA, and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35 § 722.134(a)-(c) and Ill. Admin. Code tit. 35 Part 724 *et seq.*, at Respondent’s facility located at 4900 S. Kilbourn Avenue, Chicago, Illinois 60632 (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 § 702, 703, and 724 through 728 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. Under Ill. Admin. Code tit. 35 § 722.134(d) and (f), however, a generator may accumulate hazardous waste on-site for 180 days or less without a permit or interim status, provided that the generator has been granted an extension of the 180-day period. On June 9, 2022, one container was marked with an accumulation date indicating that it had been stored for 232 days and Respondent had not obtained a permit, interim status nor an extension of the 180-day period. Respondent stored hazardous waste without a permit or interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 § 702, 703, and 724 through 728 because it failed to comply with the 180-day accumulation period requirement.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 § 702, 703, and 724 through 728 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 180 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(c)(1)(B) including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words “Hazardous Waste.” See Ill. Admin. Code tit. 35 § 722.134(c)(1)(B). On June 9, 2022, one (1) container was not clearly marked with the words “Hazardous Waste” and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 § 702, 703, and 724 through 728 because it failed to comply with the conditions for an exemption as described above.
 - c. Under Ill. Admin. Code tit. 35 § 722.134(a)(1)(i) and 725.274, a generator must inspect areas where containers are stored and must look for leaking containers and for deterioration of containers caused by corrosion or other factors in order to maintain its exemption from the requirement to have an operating permit or interim status. See 35 Ill. Admin. Code tit. 35 § 702, 703, and 724 through 728 [40 CFR parts 264 and 265 and the permit requirements of 40 CFR part 270]. On June 9, 2022, Skolnik had not been conducting all the required weekly inspections of its hazardous waste storage areas. Skolnik failed to conduct weekly inspections from January 2019 through August 2019, and from May 2020 through December 2020. Respondent’s failure to inspect, at least weekly, areas where hazardous waste containers are stored violated Ill. Admin. Code tit. 35 § 722.134(d)(2) and 724.274.
 - d. Under Ill. Admin. Code tit. 35 § 739.122(c)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.” On June 9, 2022, one (1) container of used oil was not labeled or marked with the words, “Used Oil.” Respondent’s failure to label or mark used oil container(s) with the words “Used Oil” violated Ill. Admin. Code tit. 35 § 739.122(c)(1).
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of five-thousand dollars (\$5,000) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).

5. EPA provided notice of commencement of this action to the state of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. 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 pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the 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: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall pay a civil penalty of five-thousand dollars (\$5,000) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of civil penalty may be made online at www.pay.gov. To pay online at www.pay.gov use the Search Public Forms option and enter 'sfo 1.1' in the search field then open form and complete required fields. If Respondent is unable to pay the penalty online at www.pay.gov, contact Josephine Christon at Christon.Josephine@epa.gov to make alternative arrangements.
9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Josephine Christon
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Christon.Josephine@epa.gov and
r5lecab@epa.gov

Ariel MacMillan-Sanchez
Office of Regional Counsel
U.S. EPA, Region 5
MacmillanSanchez.Ariel@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: MacmillanSanchez.Ariel@epa.gov (for Complainant), and stephanie@skolnik.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

DEAN RICKER

Name (print)

PRESIDENT

Title (print)



Signature

5, MARCH 2024

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

**In the Matter of:
Skolnik Industries Inc.
Docket No.: RCRA-05-2024-0003**

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5