UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF: Clean Harbors of Connecticut, Inc. 51 Broderick Rd. Bristol, CT 06010 Proceeding under Section 3008(a) of Resource Conservation and Recovery Act, 42 U.S.C. § 6928(a)	**Docket No. RCRA-01-2026-0026** **CONSENT AGREEMENT AND FINAL ORDER**

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. The U.S. Environmental Protection Agency ("EPA"), Region 1, alleges that Clean Harbors of Connecticut, Inc. ("Clean Harbors" or "Respondent"), has violated the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901–6987, and regulations promulgated or authorized pursuant to RCRA, as well as provisions of Permit Number DEEP/HWM-017-004, at their Bristol, Connecticut, facility. Clean Harbors is a licensed RCRA Part B commercial treatment, storage, and disposal facility ("TSDF") offering treatment of inorganic non-hazardous and listed/characteristic hazardous waste. EPA Region I ("Complainant") and Clean Harbors (together, the "Parties") have agreed to settle this matter through this Consent Agreement and Final Order ("CAFO"). EPA's procedural regulations governing administrative enforcement actions and settlements are set out in the Consolidated Rules of Practice ("Consolidated Rules") at 40 C.F.R. Part 22. Pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules, this CAFO simultaneously commences and concludes this action.

2. EPA has given notice of this RCRA enforcement action to Connecticut pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

3. The Parties have agreed that settlement of this matter is in the public interest and that entry of this CAFO without further litigation is the most appropriate means of resolving the matter.

II. BACKGROUND FACTS

4. Clean Harbors is a Delaware corporation that owns and operates a commercial TSDF in Bristol, Connecticut (the "Facility").

5. In 2013, CT DEEP issued Permit Number DEEP/HWM-017-004 to Respondent for the treatment, storage, or disposal of hazardous wastes at the Facility ("2013 RCRA Permit").

6. In March 2021, Clean Harbors sent a letter to Connecticut Department of Energy & Environmental Protection ("CT DEEP") self-reporting a release of hazardous waste that occurred at the Facility.

7. On April 28, 2021, CT DEEP sent a notice of violation ("NOV") in relation to the release of hazardous waste reported by Clean Harbors. Clean Harbors responded via letter, dated May 28, 2021.

8. On September 29, 2021, Connecticut renewed Permit Number DEEP/HWM-017-004 for a five-year term ("2021 RCRA Permit").

9. On November 7-9, 2022, CT DEEP representatives conducted a hazardous waste compliance evaluation inspection ("CT DEEP Inspection").

10. On December 6-9 and 12-13, 2022, EPA Region 1 and National Enforcement Investigations Center ("NEIC") representatives conducted a hazardous waste compliance evaluation inspection ("EPA/NEIC Inspection") at the Facility.

11. On March 9, 2023, CT DEEP sent Clean Harbors a notice of violation ("NOV") for violations identified during the CT DEEP Inspection. Clean Harbors responded via letter, dated April 10, 2023.

12. On October 17, 2023, EPA Region 1 sent the RCRA inspection report to Clean Harbors.

III. ALLEGED RCRA VIOLATIONS

A. RCRA Statutory and Legal Framework

13. Pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921–6939e, EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 271, that set forth standards and requirements applicable to generators of hazardous waste and to owners and operators of facilities that treat, store, or dispose of hazardous waste.

14. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when EPA deems the state program to be equivalent to the federal program.

15. On December 31, 1990, EPA granted the State of Connecticut final authorization to administer its base hazardous waste program. *See* 55 Fed. Reg. 51707 (December 17, 1990). On September 28, 2004, EPA granted Connecticut final authorization for additional RCRA requirements and regulations, including the Hazardous and Solid Waste Amendments of 1984 ("HSWA") requirements set out in RCRA Subparts AA, BB, and CC. *See* 69 Fed. Reg. 57842 (September 28, 2004).

16. Accordingly, the CT DEEP administers the Connecticut hazardous waste program through hazardous waste management regulations set out in Regulations of Connecticut State Agencies ("RCSA") Title 22a, §§ 22a-449(c)-1 through 22a-449(c)-119. Connecticut's hazardous waste regulations contain EPA-authorized hazardous waste regulations, including HSWA-related regulations and hazardous waste facility permitting requirements, together with certain non-federally authorized regulations and requirements.

17. The Connecticut regulations incorporate by reference federal hazardous waste

regulations at 40 C.F.R. Parts 260-279 and 124 in their entirety (except as otherwise noted in the regulations) as these federal regulations existed on July 1, 2000. Accordingly, all citations to the Code of Federal Regulations ("C.F.R.") in this CAFO are citations to the July 1, 2000, edition of the regulations. *See* RCSA § 22a-449(c)-100(c)(5).

18. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce violations of the requirements of RCRA by issuing administrative orders to assess civil penalties and require compliance.

19. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015 ("FCPIAA"), and the FCPIAA's implementing regulations set out at 40 C.F.R. Part 19, violations of RCRA-related requirements that occur after November 2, 2015, for which penalties are assessed on or after December 27, 2023, are currently subject to penalties of up to $121,275 per day for each violation. *See* 88 Fed. Reg. 89,309 (Dec. 27, 2023).

B. General Allegations

20. Respondent is a corporation and a "person" within the meaning of Section 1004(15) of RCRA, 42 U.S.C. § 6903(15) and 40 C.F.R. § 260.10, and RCSA § 22a-449(c)(22). At all times relevant to the allegations set forth in this CAFO, Respondent has been the "owner" and "operator" of the Facility as defined in 40 C.F.R. § 260.10.

21. At all relevant times to the allegations set forth in this CAFO, Respondent has treated and stored "hazardous wastes" at the Facility as defined at Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. § 261.3, and RCSA § 22a 449(c) 101(a)(1), which incorporates 40 C.F.R. § 261.3 by reference. Further, at relevant times, Respondent has been a "generator" of solid and hazardous wastes at the Facility as those terms are defined in Section 1004(27), 42 U.S.C. § 6903(27), 40 C.F.R. § 260.10 and RCSA §§ 22a 449(c) 100(b)(1), (b)(2)(B), and 101(a)(1), which incorporate by reference 40 C.F.R. §§ 260.10 and 261.2.

22. Accordingly, as the owner and/or operator of a Facility that generates, treats, and stores hazardous wastes, Respondent is subject to RCRA, the Facility's TSDF permit, and the RCSA hazardous waste management regulations set out at RCSA §§ 22a 449(c)-1 to 22a-449(c)-119, which incorporate by reference federal RCRA regulations.

23. Respondent has operated and continues to operate the Facility under the Facility's TSDF Permit, which at Section 1(E) requires that Respondent comply with "all conditions of [the] Permit," except where noncompliance is authorized in an Emergency Permit.

24. Among the activities at the Facility regulated by the 2013 and 2021 RCRA Permits is a metal tub with a capacity of twenty-seven cubic yards in which Clean Harbors treats hazardous waste through stabilization (hereinafter "Mix-Tub").

25. The Mix-Tub is a "container," as defined in Section I (F)(16) of the 2021 RCRA Permit to mean "any portable device, not including a roll-off container . . . in which a waste or other material is stored, transported, treated, or otherwise managed."

26. Based on the CT DEEP and EPA/NEIC Inspections, EPA has identified the following violations at the Facility:

C. Violations

Count 1: Failure to Ensure that After Stabilization in the Mix-Tub, the Hazardous Constituents in the Waste Are at or Below the Land Disposal Restriction ("LDR") Standards

27. Paragraphs 1 through 26 are incorporated by reference as if fully set forth herein.

28. Pursuant to Section II (A)(5)(c)(ii)(II) of the 2021 RCRA Permit, Respondent must ensure that, after the addition of reasonable amounts of stabilization reagents to the waste in the Mix-Tub, at least one of the hazardous constituents is at or below the value specified in the table in 40 C.F.R. § 268.40 for such waste.

29. Additionally, pursuant to Section III (D)(4)(c)(ix)(II) of the 2021 RCRA Permit,

Respondent must comply with all applicable requirements including, but not limited to, the requirements of its Permit regarding the waste generated from stabilization in the Mix-Tub. Such compliance shall be based upon the hazardous waste codes for such waste before stabilization and shall include, but not be limited to, whether after stabilization, such waste satisfies all, or only a portion, of the treatment standards specified in 40 C.F.R. Part 268, Subpart D. Pursuant to the 2021 RCRA Permit, Respondent shall maintain in the Operating Record for the Facility all documentation used to demonstrate such compliance, including, but not limited to, records regarding the waste analysis requirements in 40 C.F.R § 262.11 and the land disposal restrictions in 40 C.F.R Part 268.

30. On December 8, 2022, Respondent received hazardous waste generated during manhole cleanout operations at Eversource Energy in Stamford, Connecticut. According to waste material profile sheet No. CH8387BWMA, the waste exhibited the hazardous waste toxicity characteristic for lead. On the same day, the manhole cleanout waste containing lead was transferred to the Mix-Tub.

31. Respondent then removed excess liquid from the waste in the Mix-Tub. According to information obtained by EPA during the EPA/NEIC Inspection, the Mix-Tub operator used a treatment recipe previously developed by Respondent to calculate the quantity of reagents necessary to treat the waste based on the 1,351 pounds of waste remaining in the tub.

32. At the time of the EPA/NEIC Inspection, after calculating the quantity of reagents necessary for treatment, Respondent added portland cement, ferrous sulfate, and lime to the Mix-Tub to chemically fix the hazardous waste constituents.

33. At the time of the EPA/NEIC Inspection, after mixing the stabilization reagents, Respondent added dry paper pulp, a solidification agent, to absorb the remaining liquid in the Mix-Tub. Respondent mixed in the paper pulp and then collected a sample of the treated waste.

Subsequently, the sample was analyzed for compliance with the LDR standard for lead.

34. After the EPA/NEIC Inspection, EPA and CT DEEP reviewed Respondent's batch records from 2022 and found that four batches of treated waste from the Mix-Tub failed to meet the LDR treatment standards, even after addition the stabilization reagents and the paper pulp.

35. By testing for compliance with LDR treatment standards after both stabilization and solidification materials were added to the Mix-Tub, rather than immediately after stabilization reagents were added and mixed, Respondent failed to ensure its process guarantees compliance with the LDR treatment standards at 40 C.F.R. § 268.40. Therefore, Respondent violated Section II (A)(5)(c)(ii)(II) and Section III (D)(4)(c)(ix)(II) of the 2021 RCRA Permit.

Count 2: Failure to Remove the Liquid Portion of the Waste Before the Waste Is Emptied into the Mix-Tub

36. Paragraphs 1 through 35 are incorporated by reference as if fully set forth herein.

37. Pursuant to Section III (D)(4)(c)(iii)(II) of the 2021 RCRA Permit, Respondent shall ensure that if a container or vacuum truck brought to the Mix-Tub Drum Process Area contains liquids or a mixture of solids, semi-solids, and liquids, then the liquid portion of any such waste is removed from such container or vacuum truck before such waste is placed into the Mix-Tub.

38. Pursuant to Section III (D)(4)(c)(iv) of the 2021 RCRA Permit, Respondent shall ensure that if a transportation vehicle, other than a vacuum truck, is brought to the Mix-Tub Bulk Storage and Transfer Area ("MBSTA") with waste to be bulked in the Mix-Tub, any liquids in such waste are removed from such waste in the Bulk Unloading and Loading Area ("BULA"), before the waste is emptied into the Mix-Tub. The term liquids does not include liquids that may have settled during transportation, provided that liquids that have settled during transportation

shall be limited to liquids present in a separate distinct phase that do not occupy more than one inch in a container, transportation vehicle, including a vacuum truck.

39. The Mix-Tub is a container as defined in Section I (F)(16) of the 2021 RCRA Permit. Therefore, Respondent shall not have liquids in the Mix-Tub, except for liquids that may have settled during transportation that do not occupy more than one-inch in the Mix-Tub pursuant to Section III (D)(4)(c)(iii)(II).

40. During the EPA/NEIC Inspection on December 8, 2022, Respondent placed the cleanout waste in the Mix-Tub for stabilization and solidification. The cleanout waste was in a semi-solid state and contained liquid.

41. During the EPA/NEIC Inspection on December 8, 2022, Respondent placed a hose directly into the Mix-Tub to remove excess liquid from the Mix-Tub, rather than removing the excess liquid from the waste prior to placing the waste in the Mix-Tub. The removed liquid was pumped to the hydrocyclone in the main building.

42. During the EPA/NEIC Inspection on December 8, 2022, Respondent removed 224 gallons of liquid from the cleanout waste in the Mix-Tub.

43. Based on EPA's review of the 2022 batch records, Respondent removed more than one-inch of liquid from the Mix-Tub on nine occasions.

44. By failing to remove the liquid portion of the hazardous waste prior to adding the waste to the Mix-Tub, Respondent violated Sections III (D)(4)(c)(iii)(II) and (D)(4)(c)(iv) of its 2021 RCRA Permit.

Count 3: Failure to Stabilize Only Semi-Solid RCRA Hazardous Wastes in the Mix-Tub

45. Paragraphs 1 through 44 are incorporated by reference as if fully set forth herein.

46. Pursuant to Section III (B)(iv)(1) of the 2013 RCRA Permit, Respondent shall only bring to, place within or allow at the Solidification and Stabilization Treatment Area of the

Facility solid or semi-solid permitted waste types.

47. Pursuant to Section III (B)(iv)(9)(c) of the 2013 RCRA Permit, Respondent must comply with the following waste management activities authorized in the Mix-Tub: Stabilization. Semi-solid RCRA hazardous wastes shall be stabilized (*i.e.*, the treating of hazardous constituents by chemical fixation making the constituents unleachable) prior to land disposal to ensure compliance with the Land Disposal Restrictions, 40 C.F.R. Part 268. Such wastes shall be mixed with cement, kiln dust, lime, fly ash, or similar materials until the mixture is homogenous.

48. On March 19, 2021, Respondent informed CT DEEP of a release of 5,400 gallons of hazardous wastewater from reactor Tank 7 into the secondary containment system of Tank 7. The release occurred on or around March 15, 2021.

49. Respondent conducted two decontamination efforts of the secondary containment system. Approximately 40 gallons of detergent and 460 gallons of rinsate were collected from the second decontamination effort and transferred to the Mix-Tub for stabilization.

50. By treating the liquid detergent and rinsate in the Mix-Tub, Respondent violated Sections III (B)(iv)(1) and (B)(iv)(9)(c) of the 2013 RCRA Permit.

Count 4: Failure to Use the Sides or Side-Panels on the Mix-Tub When in Use

51. Paragraphs 1 through 50 are incorporated by reference as if fully set forth herein.

52. Pursuant to Section III (D)(4)(c)(xviii) of the 2021 RCRA Permit, Respondent is required to ensure that, before waste is placed into the Mix-Tub for any purpose and while the Mix-Tub is in use, it attaches sides or side panels that prevent waste from leaving the Mix-Tub.

53. At the time of the EPA/NEIC Inspection, the Mix-Tub had no sides or side panels when hazardous waste was being stabilized in the unit.

54. During the EPA/NEIC Inspection on December 8, 2022, facility personnel stated

that the Facility did not have sides or side panels for the Mix-Tub.

55. According to facility personnel, Clean Harbors utilizes the Mix-Tub daily, including the stabilization of hazardous waste, and sometimes multiple times per day.

56. By failing to ensure the Mix-Tub had sides or side-panels before placing waste in the Mix-Tub and while in use, Respondent violated Section III (D)(4)(c)(xviii) of the 2021 RCRA Permit.

Count 5: Failure to Ensure the Mix-Tub is Empty When Not in Use

57. Paragraphs 1 through 56 are incorporated by reference as if fully set forth herein.

58. Pursuant to Section III (D)(4)(c)(i) and (D)(4)(c)(xvii)(I) of the 2021 RCRA Permit, Respondent must not place any waste in the Mix-Tub except when stabilizing, solidifying, or bulking such waste or when collecting rinsate from decontamination activities, in accordance with the 2021 RCRA Permit, and must ensure the Mix-Tub is empty when it is not in use.

59. At the time of the CT DEEP Inspection, the Mix-Tub was not empty. On November 7, 2022, there were liquids and solids in the Mix-Tub. In addition to liquids and solids, there was an empty bag of absorbents in the Mix-Tub on November 8, 2022. Also, on November 9, 2022, there were liquids and solids in the Mix-Tub. The Mix-Tub was not being used for stabilization, solidifying or bulking waste at those times.

60. During the EPA/NEIC Inspection, Respondent received hazardous waste generated from manhole cleanout operations at Eversource Energy in Stamford, Connecticut. Respondent placed the waste in the Mix-Tub on the evening of December 7, 2022, and did not begin treating the waste until the morning of December 8, 2022.

61. By failing to remove liquids, solids, and other materials from the Mix-Tub and by leaving hazardous waste in the Mix-Tub overnight, when it was not actively being used for

stabilization and solidification, Respondent did not ensure the Mix-Tub was empty when not in use. Accordingly, Respondent violated Sections III (D)(4)(c)(i) and (D)(4)(c)(xvii)(I) of the 2021 RCRA Permit.

Count 6: Failure to Ensure the Mix-Tub is Covered When Not in Use

62. Paragraphs 1 through 61 are incorporated by reference as if fully set forth herein.

63. Pursuant to Section III (D)(4)(c)(xvii)(II) of the 2021 RCRA Permit, Respondent must ensure that the Mix-Tub is covered with a tarp or plastic liner when it is not in use.

64. At the time of the CT DEEP Inspection, there was no cover on the Mix-Tub when it was not in use.

65. At the time of the EPA/NEIC Inspection, there was no cover on the Mix-Tub when it was not in use.

66. By failing to ensure the Mix-Tub is covered when it is not in use, Respondent violated Section III (D)(4)(c)(xvii)(II) of the 2021 RCRA Permit.

Count 7: Failure to Ensure that Waste is Not Brought to, Placed Within, Processed, Stored, Staged, Treated, Mixed, Disposed of, or Otherwise Managed in the Miscellaneous Processing Area ("MPA")

67. Paragraphs 1 through 66 are incorporated by reference as if fully set forth herein.

68. Pursuant to Section II (A)(6)(a) of the 2021 RCRA Permit, there are four authorized MPAs at the Facility: the Drum Crusher Area, the Acidic Drum Rinse Station, the Alkaline Drum Rinse Station, and the Lab Pack Pour-Off Area. The Acidic and Alkaline Drum Rinse Stations (also referred to in the 2021 RCRA Permit as the "Acidic and Alkaline Drum Rinse Areas") are located in the Operations Building.

69. Pursuant to Section II (A)(6)(b) of the 2021 RCRA Permit, Respondent must ensure that waste or other material is not brought to, placed within, processed, stored, treated, mixed, disposed of, or otherwise managed in any MPA in any way that is not authorized by the

Permit.

70. Additionally, pursuant to Section II (A)(6)(f) of the 2021 RCRA Permit, Respondent must ensure that waste or other material is not brought to, placed within, processed, stored, staged, treated, mixed, disposed of, or otherwise managed in any MPA that is not specifically authorized in that section of the Permit.

71. Drawing No. 62WC-7100-204 Section II under the Relevant Drawings portion of the 2021 RCRA permit depicts the Acidic and Alkaline Drum Rinse Stations in a particular area, but the drawing does not depict the hydrocyclone or its associated equipment, a hopper and 1,000-gallon waste tank ("Tank 29").

72. At the time of the CT DEEP Inspection, a hydrocyclone and its associated equipment, a hopper and Tank 29, were located and operating in the location where the Acidic and Alkaline Drum Rinse Stations were authorized for use under the 2021 RCRA Permit at the Facility.

73. At the time of the CT DEEP Inspection, Respondent pumped liquids from hazardous and non-hazardous batches of waste in the Mix-Tub to the hydrocyclone for separation of the liquids and fine solids.

74. By operating the hydrocyclone unit and its associated equipment in a MPA and by pumping hazardous-waste liquids into the hydrocyclone without proper authorization, Respondent violated Section II (A)(6)(b) and Section II (A)(6)(f) of the 2021 RCRA Permit.

Count 8: Failure to Follow Permit Requirements for Operations that are Authorized in the Bulk Unloading and Loading Area

75. Paragraphs 1 through 74 are incorporated by reference as if fully set forth herein.

76. Pursuant to Section II (A)(2)(b) of the 2021 RCRA Permit, Respondent shall not bring to, place within, process, store, treat, mix, dispose of, or otherwise manage waste or other

material in the BULA in any way that is not authorized by the Permit.

77. At the time of the CT DEEP Inspection, Respondent consolidated at least nine 55-gallon containers of waste into a roll-off container staged in the BULA. The 2021 RCRA Permit does not authorize the consolidation of non-bulk containers in the BULA. *See* Section II (2)(a).

78. By consolidating non-bulk containerized waste into a roll-off container in the BULA, Respondent failed to comply with the permit requirements for operations that are authorized in the BULA. Accordingly, Respondent violated Section II (A)(2)(b) of the 2021 RCRA Permit.

Count 9: Failure to Ensure that the Secondary Containment in each Waste Management Area is Impermeable

79. Paragraphs 1 through 78 are incorporated by reference as if fully set forth herein.

80. Pursuant to Section III (A)(29) of the 2021 RCRA Permit, Respondent shall ensure that the base and berm of the secondary containment in each Waste Management Area is free of cracks or gaps and is sealed with a chemical resistant impermeable coating compatible with all waste or other material in such a Waste Management Area such that the secondary containment system will contain leaks, spills, or other liquids, including, but not limited to precipitation.

81. At the time of the CT DEEP Inspection, the secondary containment system in the Container Storage Areas, Area M2, MBSTA, BULA, and Container Storage Area C were in need of repair. Specifically:

a. There were large chips exposing concrete in the base of the secondary containment system utilized in the Container Storage Areas.

b. The concrete and impermeable coatings, particularly on the western side of the MBSTA, were in need of repair. Further, during a Third-Party Audit conducted

by ERM Consulting & Engineering, Inc., in September of 2022, the auditor found damage to the cement base of the secondary containment system used for the MBSTA.

c. The concrete berm along the perimeter of the BULA was not coated. Additionally, there were cracks in the concrete base of the BULA.

d. The concrete and impermeable coatings of the secondary containment system were in need of repair in Container Storage Area C.

82. By failing to ensure the secondary containment is impermeable in each Waste Management Area, Respondent violated Section III (A)(29) of the 2021 RCRA Permit.

Count 10: Failure to Remove Accumulated Liquids in Secondary Containment Areas within Twenty-Four Hours

83. Paragraphs 1 through 82 are incorporated by reference as if fully set forth herein.

84. Pursuant to Section III (A)(16) of the 2021 RCRA Permit, Respondent shall remove all spilled or leaked waste or any liquids immediately upon detection, but in no event later than twenty-four consecutive hours from the time such waste is detected.

85. During the first day of the CT DEEP Inspection on November 7, 2022, there were liquids accumulating in the secondary containment system for Truck Parking Areas ("TPA") 1 and 3.

86. On the second day of the CT DEEP Inspection on November 8, 2022, liquids continued to accumulate in TPA 1 and TPA 3.

87. By failing to remove accumulated liquids in the secondary containment areas within twenty-four hours, Respondent violated Section III (A)(16) of the 2021 RCRA Permit.

IV. GENERAL TERMS

88. The terms of this CAFO shall apply to and be binding on Respondent, its

successors, and its assigns.

89. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;

b. Neither admits nor denies the specific factual allegations contained in Section III of this CAFO;

c. Consents to the assessment of a civil penalty as stated below;

d. Consents to the issuance of any specified compliance or corrective action order;

e. Consents to the conditions specified in this CAFO;

f. Consents to any stated permit action;

g. Waives any right to contest the alleged violations of law set forth in Section III of this CAFO; and

h. Waives its right to appeal the Final Order accompanying this Consent Agreement.

90. For the purposes of this proceeding, Respondent admits that the CAFO states claims upon which relief can be granted against Respondent. Respondent waives any right to a judicial or administrative hearing or appeal regarding this CAFO and to otherwise contest the allegations of this CAFO. Respondent consents to personal jurisdiction in any action to enforce this CAFO in the United States District Court for the District of Connecticut. Further, Respondent waives any rights in law or equity to challenge EPA's authority to bring a civil action in a United States District Court to compel compliance with the CAFO and to seek an additional penalty for such noncompliance.

91. 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 accompanying the Consent Agreement.

92. All notices and submissions required by this CAFO shall be sent to:

For Complainant:

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V. COMPLIANCE CERTIFICATION AND COMPLIANCE ORDER

93. As of the effective date of this CAFO, Respondent certifies that the Facility is in compliance with Connecticut's federally-authorized hazardous waste rules, cited in Section III above, as well as its 2021 RCRA Permit.

94. Respondent further certifies that it has completed and will continue to comply with the following compliance actions at the Facility as of the effective date of this CAFO:

a. Respondent has revised its Standard Operation Procedure ("SOP") for the Mix-Tub to specify testing must be completed after stabilization but before solidification of

hazardous waste placed in the Mix-Tub, and Respondent shall sample in accordance with the SOP, which must be compliant with the 2021 RCRA Permit requirements for sampling. Respondent has also incorporated into the SOP compliance with land disposal restrictions, in accordance with Section II (A)(5)(c)(ii)(II) and Section III (D)(4)(c)(ix)(II) of the 2021 RCRA Permit;

b. Respondent has incorporated procedures into its SOP for the Mix-Tub that reflect the permit conditions requiring the liquid portion of the waste to be removed from the waste prior to placing the waste into the Mix-Tub, other than liquids that may have settled during transportation that are present in a separate distinct phase and do not occupy more than one inch in a container, in accordance with Section III (D)(4)(c)(iii)(II) and Section III (D)(4)(c)(iv) of the 2021 RCRA Permit;

c. Respondent has stopped sending liquids, including those from accidental releases, to the Mix-Tub for stabilization, in accordance with Section II (A)(5)(a)(vi)(II) and Section II (A)(5)(a)(vii) of its 2021 RCRA Permit;

d. Respondent has purchased and installed sides or side panels on the Mix-Tub, in accordance with Section III (D)(4)(c)(xviii) of the 2021 RCRA Permit;

e. Respondent has stopped placing waste in the Mix-Tub except when stabilizing, solidifying, or bulking such waste or when collecting rinsate from decontamination activities, in accordance with Sections III (D)(4)(c)(i) and II (A)(5)(a)(vi)(IV) of the 2021 RCRA Permit. In addition, Respondent has stopped storing waste in the Mix-Tub to allow for separation, including storing waste in the Mix-Tub overnight, in accordance with Section III (D)(4)(c)(xvii)(I) of the 2021 RCRA Permit;

f. Respondent has purchased and installed a cover for the Mix-Tub, in accordance with Section III (D)(4)(c)(xvii)(II) of the 2021 RCRA Permit;

g. Respondent has ceased operation of the hydrocyclone and its associated equipment, including the hopper and Tank 29, in the MPA, in accordance with Section II (A)(6)(a) of the 2021 RCRA permit. In order to resume operations of the hydrocyclone and its associated equipment, including the hopper and Tank 29 in the MPA, Respondent shall submit a permit modification to CT DEEP or include the operation of the hydrocyclone and its associated equipment in the 2026 permit renewal application and await approval from CT DEEP for these operations. In addition, because Respondent has removed the Acidic and Alkaline Drum Rinsing Units from the Miscellaneous Processing Area, Respondent shall submit to CT DEEP the certification and report of closure, in accordance with the 2021 RCRA Permit and as set forth in Section 9.14 of Attachment P, for the area where the Acidic and Alkaline Drum Rinsing Units were located;

h. Respondent has ceased managing waste in the BULA in ways not authorized by the Permit, in accordance with Section II (A)(2)(b) of the 2021 RCRA Permit;

i. Respondent has complied with the 2021 RCRA Permit requirements for its Waste Management Area, in accordance with Section II (A)(2)(b), by:

    i. Repairing and sealing the secondary containment system in the Container Storage Areas with a chemical resistant, impermeable coating compatible with the waste stored in that area;

    ii. Repairing and sealing the concrete and coatings, as well as the base of the secondary containment system in the MBSTA with a chemical resistant, impermeable coating compatible with the waste stored in that area;

    iii. Coating the concrete berm and repairing the cracks in the concrete

base in the BULA with a chemical resistant, impermeable coating compatible with the waste stored in that area; and

iv. Repairing and sealing the concrete and the coatings of the secondary containment system in Container Storage Area C with a chemical resistant impermeable coating compatible with the waste stored in that area; and

j. Respondent is ensuring that liquids no longer accumulate in the secondary containment areas for more than twenty-four hours, in accordance with Section III (A)(16) of the 2021 RCRA Permit; and

k. Respondent shall submit to EPA documentation of its compliance with paragraphs 94.a., b., c., d., e., f., g., h., i., and j. above, as follows:

i. Within 120 days of the Effective Date of this CAFO, Respondent shall submit to EPA documentation of compliance with paragraphs 94.a. and 94.b. above, for the 90-day period after the Effective Date of this CAFO, including providing a copy of the SOP;

ii. Within 30 days of the Effective Date of this CAFO, Respondent shall submit to EPA documentation, including photos, of its compliance with paragraph 94.d. above;

iii. Within 30 days of the Effective Date of this CAFO, Respondent shall submit to EPA documentation, including photos, of its compliance with paragraph 94.f. above;

iv. Within one (1) year of the Effective Date of this CAFO, or within 30 days of the submission of the certification and report of closure to CT DEEP, whichever is sooner, Respondent shall submit to

EPA a copy of the certification and report of closure for the area where the Acidic and Alkaline Drum Rinsing Units were located, to demonstrate its compliance with paragraph 94.g. above;

v. Within 30 days of submitting a permit modification for the hydrocyclone and its associated equipment or a 2026 permit renewal application that includes the hydrocyclone and its associated equipment, Respondent shall submit a copy of the permit modification or the 2026 permit renewal application section relevant to the hydrocyclone and its associated equipment to EPA to demonstrate its compliance with paragraph 94.g. above; and

vi. Within 30 days of the Effective Date of this CAFO, Respondent shall submit to EPA documentation, including a narrative description of work, invoices and photos, of its compliance with paragraph 94.i. above.

vii. Within 30 days of the Effective Date of this CAFO, Respondent shall submit a written statement to EPA to confirm compliance with paragraphs 94.c., 94.e., 94.h., and 94.j. above.

VI. TERMS OF PAYMENT

95. Respondent agrees to pay a civil penalty in the amount of $585,000 within thirty (30) days after the date the Final Order ratifying this Agreement becomes effective. The Final Order shall become effective on the date it is filed with the Regional Hearing Clerk. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), as modified pursuant to the Debt Collection Improvement Act of 1996, and the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes a civil penalty of up to $124,426 per day per violation that occurred

after November 2, 2015, when penalties are assessed on or after January 8, 2025.

96. Respondent shall pay the penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: https://www.epa.gov/financial/makepayment. For additional instructions see: https://www.epa.gov/financial/additional-instructions-making-payments-epa.

97. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name (i.e., Clean Harbors of Connecticut, Inc.) and the docket number of this Agreement, **RCRA-01-2026-0026**.

b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
Via electronic mail to:
r1_hearing_clerk_filings@epa.gov

and

Kelly Harmon, Attorney Advisor
U.S. Environmental Protection Agency, Headquarters
Via electronic mail to:
Harmon.Kelly@epa.gov

and

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

"Proof of payment" means, as applicable, a confirmation of credit card or debit card payment or confirmation of wire or automated clearinghouse transfer, 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.

98. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the penalty per this Agreement, EPA is authorized to recover, in addition to the amount of the unpaid penalty, the following amounts.

a. Interest. Interest begins to accrue from the Filing Date. If the penalty is paid in full within thirty (30) days, interest accrued is waived. If the penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS large corporate underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the penalty as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

99. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

100. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding penalty amount.

101. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

102. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to

send to the Internal Revenue Service ("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, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at https://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; and

c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at **CINWD_AcctsReceivable@epa.gov**, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days

after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:

i. Notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the **effective date of this Order per paragraph 110;** and

ii. Provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

VII. EFFECT OF SETTLEMENT

103. This CAFO constitutes a settlement by EPA of all claims for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the alleged violations set out in Section III of this CAFO.

104. Nothing in this CAFO shall be construed to limit the authority of EPA or the United States to undertake any action against Respondent for criminal activity, or to respond to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. EPA reserves all rights and remedies available to it to enforce the provisions of this CAFO, RCRA and its implementing regulations and permits, and any other federal, state, or local law or regulation.

105. This CAFO shall not relieve Respondent of its obligations to comply with all applicable provisions of federal or state law, and this CAFO shall not be construed to be a ruling or determination regarding any issue related to any federal, state, or local permit. Except as provided in Paragraph 103 above, compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to environmental laws and regulations administered by EPA.

106. Each Party shall bear its own costs, disbursements, and attorneys' fees in connection with this enforcement action, and each Party specifically waives any right to recover such costs, disbursements, or fees from the other Party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

107. The Parties' undersigned representatives certify that they are fully authorized by their respective Party to enter into the terms and conditions of this CAFO and to execute and legally bind their Party to it.

108. Complainant and Respondent, by entering into this Consent Agreement, each give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the address set out for Respondent in Paragraph 92 above. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with, and be maintained in accordance with, that Order.

109. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of the Parties and approval of the Regional Judicial Officer.

110. In accordance with 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which this CAFO is filed, either in person or electronically via email, with the Regional Hearing Clerk.

FOR RESPONDENT:

Date: 1/30/2026

Rebecca Underwood, President
Clean Harbors of Connecticut, Inc.

FOR COMPLAINANT:

JAMES CHOW

Digitally signed by JAMES CHOW
Date: 2026.02.04 12:18:58 -05'00'

James Chow, Director
Enforcement and Compliance Assurance Division
EPA Region 1

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of the Consolidated Rules, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent Clean Harbors of Connecticut, Inc., is ordered comply with the terms of this CAFO and to pay the civil penalty amount specified in the manner indicated therein. The terms of the Consent Agreement shall become effective on the date that the CAFO is filed with the Regional Hearing Clerk.

_____

Michael J. Knapp
Regional Judicial Officer
EPA Region 1