

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

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Docket No.: RCRA-05-2025-0004

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SAFC, Inc.

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645 Science Dr.

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Madison, WI 53711

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EPA ID. No. WIR000051623

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EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

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Respondent

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EXPEDITED SETTLEMENT AGREEMENT

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and SAFC, 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 \$8,750.
2. EPA inspected SAFC, Inc. on August 12, 2023 and reviewed information you provided on September 5, 2023, March 6, 2024, and June 14, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Wisconsin hazardous waste management program, ch. 291, Wis. Stats., and ss. NR 660 through NR 679, Wis. Adm. Code¹, at Respondent’s facility located at 645 Science Dr., Madison, Wisconsin 53711 (the “Facility”):
 - a. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and ch. NR 670 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. Under ss. NR 662.034(1) and (2), Wis. Adm. Code, however, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period. At the time of inspection, logs for weekly inspections in 2022 and 2023 noted the following:

¹ See s. NR 662, Wis. Adm. Code. EPA is enforcing Wisconsin hazardous waste management program requirements as approved and authorized by the United States on January 31, 1986 (*see* 51 FR 3783) and the revisions to the hazardous waste program as approved and authorized by the United States through April 17, 2009 (*see* 74 FR 17785).

1. In SAFC's September 16, 2022 weekly inspection log, the company identified the container with the oldest accumulation start date was dated April 14, 2022 (155 days).
2. In SAFC's August 19, 2022 weekly inspection log, the company identified the container with the oldest accumulation start date was dated April 18, 2022 (123 days).
3. In SAFC's August 12, 2022 weekly inspection log, the company identified the container having the oldest accumulation start date was dated May 12, 2022 (92 days).

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 ch. NR 670, Wis. Adm. Code, because it failed to comply with the 90-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 ch. NR 670, Wis. Adm. Code, prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable requirements set forth in s. NR 662.034, Wis. Adm. Code, including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words "Hazardous Waste" and clearly marking each container holding hazardous waste with the date upon which each period of accumulation begins. On August 15, 2023, 39 containers were not clearly marked with the words "Hazardous Waste" and were not clearly marked with the date upon which the period of accumulation began. 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 ch. NR 670, Wis. Adm. Code because it failed to comply with the conditions for an exemption as described above.
- c. Under ss. NR 662.034(1)(d) and 665.0035, Wis. Adm. Code, a large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment. At the time of the inspection in the Hazardous Waste Storage Room (room 181), on the floor between two sets of shelving were several 15-gallon containers of waste. The containers were situated in a way that eliminated the aisle space between the shelving and the containers. Respondent's failure to maintain aisle space violated ss. NR 662.034(1)(d) and 665.0035, Wis. Adm. Code.

- d. Under ss. NR 662.034(1)(d) and 665.0016(1)(a)3.- 4., Wis. Adm. Code, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. This program must be directed by a person trained in hazardous waste management procedures and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later, and must take part in an annual review of this initial training thereafter. At the time of the inspection, Respondent had not provided annual training to two (2) facility personnel for years 2021, 2022, and 2023. Respondent's failure to conduct annual training program for years 2021, 2022, and 2023 violated ss. NR 662.034(1)(d) and 665.0016(1)(a)3.-4., Wis. Admin. Code.
 - e. Under ss. 662.034(1)(d) and 665.0054(4), Wis. Adm. Code, a large quantity generator of hazardous waste must review and amend the contingency plan when the list of emergency coordinators changes. At the time of inspection, it was observed that an emergency coordinator listed in the contingency plan was no longer a SAFC employee. Respondent's failure to amend the contingency plan violated ss. NR 662.034(1)(d) and 665.054(4), Wis. Admin. Code.
- 3. 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.
 - 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 Wisconsin 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 as provided at 40 C.F.R. § 22.15(c); (6) waives any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited

Settlement Agreement and Final Order; and (7) 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 Expedite Settlement Agreement.

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 will pay the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) within 30 days of the Agreement and Final Order becoming effective. Respondent shall pay the penalty 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>.
9. Respondent will 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. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Shawn Cole
Land Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
Cole.Shawn@epa.gov and
r5lecab@epa.gov

James Bonar-Bridges
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
BonarBridges.James@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@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 and the May 16, 2024 Notice of Potential Violation and Opportunity to Confer.

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 email at the following valid e-mail addresses: BonarBridges.James@epa.gov (for Complainant), and Steve.Poff@milliporesigma.com (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

Steve Poff - for SAFC

Name (print)

EH&S Manager

Title (print)

steve poff

Electronically signed by: steve poff
Reason: reviewed and approved
Date: Nov 22, 2024 09:25 CST

Signature

11/22/24

Date

APPROVED BY EPA:

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
SAFC, Inc.
Docket No.: RCRA-05-2025-0004

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