



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

In the Matter of:)
)
 Systech Environmental Corp.,) **Docket No. RCRA-07-2024-0004**
)
 Respondent.)
 _____)

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Systech Environmental Corporation (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 Code of Federal Regulations (“C.F.R.”) §§ 22.13(b) and 22.18(b)(2).

ALLEGATIONS

Jurisdiction

1. This administrative action is being conducted pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (“RCRA”), and the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6928(a), and in accordance with the Consolidated Rules of Practice.

2. This Consent Agreement and Final Order serves as notice that the EPA believes Respondent has violated RCRA Sections 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6922, 6924, and 6925 and the Kansas regulations which incorporate the following federal regulations by reference, standards for owners and operators of hazardous waste treatment, storage, and disposal facilities (40 C.F.R. §§ 262, 273).

Parties

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is Systech Environmental Corporation, a corporation authorized to operate under the laws of Kansas.

Statutory and Regulatory Framework

5. RCRA was enacted to address the volumes of municipal and industrial solid waste generated nationwide in order to protect human health and the environment from potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally sound manner.

6. RCRA provides guidelines for a waste management program and provides EPA with the authorities found in Sections 3002, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6922, 6924, and 6925, to develop and promulgate specific requirements to implement the waste management program. Pursuant to these authorities, EPA promulgated the waste management regulations found at 40 C.F.R. Parts 264 and 279.

7. Section 3002 of RCRA, 42 U.S.C. § 6922, requires the Administrator to promulgate regulations establishing such standards applicable to generators of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

8. Section 3004 of RCRA, 42 U.S.C. § 6924, requires the Administrator to promulgate regulations establishing such performance standards, applicable to owners and operators of facilities for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

9. Section 3005 of RCRA, 42 U.S.C. § 6925, requires the Administrator of EPA to promulgate regulations requiring each person owning or operating an existing facility or planning to construct a new facility for the treatment, storage, or disposal of hazardous waste identified or listed under this subchapter to have a permit.

10. Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), defines “person” as 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.

11. The regulation at 40 C.F.R. § 260.10 defines “facility” to include all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage or disposal operational units (e.g. one or more landfills, surface impoundments, or combinations of them).

12. The regulation at 40 C.F.R. § 260.10 defines “treatment” as any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so

as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amendable for recovery, amendable for storage, or reduced in volume.

13. The regulation at 40 C.F.R. § 260.10 defines “storage” as the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

14. The regulation at 40 C.F.R. § 260.10 defines “disposal” as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constitute thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

15. “Solid waste” is defined at 40 C.F.R § 261.2.

16. “Hazardous waste” is defined at 40 C.F.R. § 261.3.

17. “Universal waste” is defined at 40 C.F.R. § 260.10.

18. The regulation at 40 C.F.R. § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

19. The regulation at 40 C.F.R. § 260.10 defines “small quantity generator” as a generator who generates less than 1,000 kilograms of hazardous waste in a calendar month.

20. The regulation at 40 C.F.R. § 260.10 defines “large quantity generator” as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste or greater than 1 kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. §§ 261.31 or 261.33(e).

21. The regulation at 40 C.F.R. § 260.10 defines “container” as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

22. The regulation at 40 C.F.R. § 260.10 defines “EPA identification number” to mean the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

23. The regulation at 40 C.F.R. § 260.10 defines “operator” to mean the person responsible for the overall operation of a facility.

24. The regulation at 40 C.F.R. § 260.10 defines “owner” to mean the person who owns a facility or part of a facility.

25. The regulation at 40 C.F.R. § 265.1084(d) defines “no detectable organic emissions” as when the arithmetic difference between the maximum organic concentration measured at a leak interface with EPA Method 21 and the background organic concentration is less than 500 parts per million volume (“ppmv”).

26. The State of Kansas has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, and the State of Kansas has adopted by reference the federal regulations cited herein at pertinent parts of Title 28, Article 31 of the Kansas Administrative Regulations (hereinafter “K.A.R.”). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder.

27. When the EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Kansas has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

28. Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), authorizes a civil penalty of not more than \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred before November 2, 2015, and to \$121,275 for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023. In assessing any such penalty, EPA must take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Based upon the facts alleged in this Consent Agreement and Final Order, and upon those factors which Complainant must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant and Respondent agree to the payment of a civil penalty pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and to take the actions required by the Final Order, for the violations of RCRA alleged in this Consent Agreement and Final Order.

General Factual Background

29. Respondent is a corporation and authorized to conduct business within the State of Kansas. Respondent is a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

30. Respondent owns and operates a facility located at 1420 S. Cement Plant Road, Fredonia, Kansas 66736.

31. Respondent is a large quantity generator of hazardous waste, a used oil generator, and a small quantity handler of universal waste.

32. Respondent is a RCRA permitted treatment, storage, disposal facility. On or about November 11, 2019, Respondent obtained a hazardous waste management facility permit from the state of Kansas.

33. On or about October 25 and 26, 2022, an EPA inspector conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility in Fredonia, Kansas.

34. Based on a review of the inspection report and the information provided during the inspection by facility personnel, it was determined that Respondent was operating as a permitted treatment, storage, disposal facility, large quantity generator, used oil generator, and small quantity handler of universal waste.

35. At the time of the inspection, the inspector observed Respondent’s Container Bulk Processing Building. Noncontainerized hazardous waste was observed stored atop two dispersion tanks.

36. At the time of the inspection, the inspector observed hazardous waste residue in and on the hopper and the hydraulic knuckle boom crane in the Container Bulk Processing Building.

37. At the time of the inspection, the inspector observed container number RB250708 on the North Roll-off/Container pad. The inspector observed that the container cover was not fully in place exposing the interior of this container and the hazardous waste inside which resulted in volatile organic emissions.

38. The inspector observed several of the elastomeric straps used to secure the cover on the open end of the roll-off container were broken, and thus, were not securing the tarpaulin cover on that end of roll-off container number RB250708.

39. The inspector also monitored container number RB250708 using a calibrated Flame Ionizing Detector (“FID”) utilizing EPA Method 21 procedures as set forth at 40 C.F.R. Part 60. The inspector observed volatile organic emissions at 784 ppmv with a background level of 8.2 ppmv.

40. At the time of the inspection, the inspector observed container number CH250012 on another Roll-off/Container Pad. The RCRA inspector observed that the container cover was not fully in place exposing the interior of this container and the hazardous waste inside which resulted in volatile organic emissions.

41. The inspector observed several of the elastomeric straps used to secure the cover on the open end of the roll-off container were broken, and thus, were not securing the tarpaulin cover on that end of roll-off container number CH250012.

42. The inspector also monitored container number CH250012 using the calibrated FID and observed volatile organic emissions at 784 ppmv with a background level of 4.5 ppmv.

43. At the time of the inspection, the inspector also visually inspected Respondent's permitted hazardous waste storage tanks. The inspector monitored the closures and vents (i.e., conservation vents) located on the top of the tanks for volatile organic emissions with the calibrated FID.

44. At the time of the inspection, the inspector observed that the conservation vent on Tank 3 was emitting volatile organic emissions from the pressure side of the conservation vent of 1,620 ppmv (approximately 1,614 ppmv above background).

45. The inspector also observed that Tank 3 was emitting 2,020 ppmv from the seven o'clock position of the conservation vent maintenance cover (approximately 2,014 ppmv above background). The inspector measured the background concentration at the conservation vent location as 5.7 ppmv.

46. At the time of the inspection, the inspector observed that the conservation vent on Tank 10 was emitting volatile organic emissions from the pressure side of the conservation vent of 1,851 ppmv (approximately 1,848 ppmv above background). The inspector measured the background concentration at the conservation vent as 2.5 ppmv.

47. At the time of the inspection, the inspector observed two satellite accumulation containers located at the northeast corner of Respondent's New Laboratory building.

48. One container held laboratory debris (gloves, wipes, glassware, etc.) which did not include a label or marking as "hazardous waste."

49. The second container held laboratory liquids (waste samples, solvents, etc.) which also did not include a label or marking as "hazardous waste."

50. At the time of the inspection, the inspector visually inspected Respondent's universal waste battery accumulation in the file room of the office building near the visitor's entrance.

51. The inspector observed two containers that were approximately five gallons in size that contained Universal Waste Batteries.

52. The inspector did not observe an accumulation start date on either container or other information posted in the area which would indicate an accumulation start date.

53. Respondent's facility has been assigned the EPA ID Number: KSD980633259.

Violations

54. Complainant hereby states and alleges that Respondent has violated RCRA, and the federal regulations promulgated thereunder, as follows:

Count 1

Failure to Store Hazardous Waste in a Container

55. Complainant hereby incorporates the allegations contained in Paragraphs 29 through 53 above, as if fully set forth herein.

56. Pursuant to Permit Condition III.A, Respondent is “authorized for storage of hazardous waste in containers, as defined in Section D-1 of the approved Permit Application and Section III.C of this Permit.”

57. Pursuant to Permit Condition III.D, Respondent is “not authorized for storage of hazardous waste in the receiving steel pan of this unit.” The unit in question is the hydraulic knuckle boom crane in the Bulk Container Processing Area.

58. At the time of the inspection, the inspector observed hazardous waste residue in and on the receiving steel pan and the hydraulic knuckle boom crane in the Bulk Container Processing Building. The inspector also observed hazardous waste atop two dispersion tanks located directly next to the hydraulic knuckle boom crane.

59. Respondent’s failure to store the hazardous waste in a container is a violation of Permit Conditions III.A and III.D.

Count 2

Failure to Fully Close Level One Containers/Broken Closure Straps

60. Complainant hereby incorporates the allegations contained in Paragraphs 29 through 53 above, as if fully set forth herein.

61. Pursuant to Permit Condition III.G.2, Respondent shall “control air emissions complying with all the applicable requirements of 40 C.F.R. 264, Subpart CC and Section VII of this Permit in accordance with Section O of the approved Permit Application.”

62. Pursuant to 40 C.F.R. § 264.1082(b), which is found in Subpart CC of 40 C.F.R. Part 264, “the owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in §§ 264.1084 through 264.1087 of this subpart....”

63. Pursuant to 40 C.F.R. § 264.1086(c)(1)(ii), which is found in Subpart CC of 40 C.F.R. Part 264, “[a] container using Container Level 1 controls is ... a container equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible

holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box)”

64. Pursuant to 40 C.F.R. § 264.1086(c)(2), which is found in Subpart CC of 40 C.F.R. Part 264, “[a] container used to meet the requirements of paragraph (c)(1)(ii) or (c)(1)(iii) of this section shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices shall include: Organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.” 40 C.F.R. § 264.1086(c)(2).

65. At the time of the inspection, the inspector observed containers numbered RB250708 and CH250012 that did not have proper cover or closure devices. Both containers were only partially covered by tarpaulin covers that had broken or missing elastomeric straps.

66. Respondent’s failure to properly cover the two level one containers is a violation of Permit Condition III.G.2 and 40 C.F.R. §§ 264.1082(b) and 264.1086(c)(2).

Count 3
Failure to Control Air Emissions

67. Complainant hereby incorporates the allegations contained in Paragraphs 29 through 53 above, as if fully set forth herein.

68. Pursuant to Permit Condition IV.E.4, Respondent shall “control air emissions complying with all the applicable requirements of 40 C.F.R. 264, Subpart CC and Section VII of this Permit in accordance with Section O of the approved Permit Application.”

69. Pursuant to 40 C.F.R. § 264.1084(g), which is found in Subpart CC of 40 C.F.R. 264, an owner or operator who controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in paragraphs (g)(1) through (g)(3) of this subsection.

70. According to 40 C.F.R. § 264.1084(g)(1)(ii), which is found in Subpart CC of 40 C.F.R. Part 264, “[e]ach opening in the fixed roof not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control

device is operating, the closure device shall be designed to operate with no detectable organic emissions.”

71. 40 C.F.R. § 265.1084(d) defines “no detectable organic emissions” as when the arithmetic difference between the maximum organic concentration measured at a leak interface with EPA Method 21 and the background organic concentration is less than 500 ppmv.

72. At the time of the inspection, the inspector monitored the conservation vent located on the top of Tank 3 at the facility for volatile organic emissions with the calibrated FID. The inspector observed that Tank 3 was emitting volatile organic emissions from the pressure side of the conservation vent of 1,620 ppmv.

73. At the time of the inspection, the inspector also observed that Tank 3 was emitting 2,020 ppmv from the seven o’clock position of the conservation vent maintenance cover. The inspector measured the background concentration at 5.7 ppmv.

74. At the time of the inspection, the inspector monitored the conservation vent located on the top of Tank 10 at the facility for volatile organic emissions with the calibrated FID. Tank 10 was emitting volatile organic emissions from the pressure side of the conservation vent of 1,851 ppmv. The inspector measured the background concentration at the conservation vent as 2.5 ppmv.

75. Respondent’s failure to control air emissions at Tanks 3 and 10 is a violation of Permit Condition IV.E.4 and 40 C.F.R. § 264.1084(g)(1)(ii).

Count 4
Operating as a Treatment, Storage, or Disposal Facility Without A RCRA Permit or RCRA Interim Status

76. Complainant hereby incorporates the allegations contained in Paragraphs 29 through 53 above, as if fully set forth herein.

77. Pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, Kansas Statute Annotated (“K.S.A.”) 65-3431 and the regulations at 40 C.F.R. Part 270 and Kansas Administrative Regulations (“K.A.R.”) § 28-31-270 require each person owning or operating a facility for the treatment, storage, or disposal of hazardous wastes identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

78. Pursuant to 40 C.F.R. § 262.34(c)(1)(ii), referenced and modified by K.A.R. 28-31-262(c)(7), a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the container is marked with the words “Hazardous Waste.”

79. At the time of the inspection, the inspector observed two satellite accumulation containers located at the northeast corner of Respondent’s New Laboratory building. Neither of the satellite accumulation containers were marked with the words “Hazardous Waste.”

80. Respondent's failure to mark the satellite accumulation containers with the words "Hazardous Waste" is a violation of Section 3005 of RCRA, 42 U.S.C. § 6925, "K.S.A. § 65-3431 and K.A.R. 28-31-262(c)(7).

Count 5

Failure to Document Universal Waste Accumulation Time

81. Complainant hereby incorporates the allegations contained in Paragraphs 29 through 53 above, as if fully set forth herein.

82. Pursuant to 40 C.F.R. § 273.15(c), incorporated by K.A.R. § 28-31-273(a), "[a] small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received."

83. At the time of the inspection, the inspector visually inspected Respondent's universal waste battery accumulation in the file room of the office building near the visitor's entrance. The inspector observed two containers that were approximately five gallons in size that contained Universal Waste Batteries. The inspector did not observe an accumulation start date on either container or other information posted in the area which would indicate an accumulation start date.

84. Respondent's failure to document Universal Waste accumulation time is a violation of 40 C.F.R. § 273.15(c) and K.A.R. § 28-31-273(a).

CONSENT AGREEMENT

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

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and

(h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

86. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

87. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

88. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

89. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *paul.desantis@holcim.com*

Penalty Payment

90. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of **\$98,513.00** as set forth below.

91. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

92. A copy of the check or other information confirming payment shall simultaneously be emailed to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Adam Hilbert, Attorney
Hilbert.adam@epa.gov.

93. Respondent understands that their failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9. Interest will be

assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

Effect of Settlement and Reservation of Rights

94. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

95. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in paragraph directly below.

96. Respondent certifies by the signing of this Consent Agreement and Final Order that it is presently in compliance with all requirements of RCRA, 42 U.S.C. § 6901 *et. seq.*, its implementing regulations, and any permit issued pursuant to RCRA.

97. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and regulations promulgated thereunder.

98. Notwithstanding any other provision of this Consent Agreement and Final Order, EPA reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Seventy Thousand Seven Hundred Fifty-Two Dollars (\$70,752) per day, per violation, pursuant to Section 3008(c) of RCRA, for each day of non-compliance with the terms of this Consent Agreement and Final Order, or to seek any other remedy allowed by law.

99. Except as expressly provided herein, nothing in this Consent Agreement and Final Order shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

100. Notwithstanding any other provisions of the Consent Agreement and Final Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the handling, storage, treatment, transportation, or

disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

101. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

102. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

103. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

104. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, and local taxes.

105. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

106. The headings in this Consent Agreement and Final Order are for convenience of reference only and shall not affect interpretation of this Consent Agreement and Final Order.

COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

David Cozad
Director
Enforcement and Compliance Assurance Division

Date

Adam Hilbert
Office of Regional Counsel

Date

RESPONDENT:

Systech Environmental Corporation.

Signature Sophie Wu Date 2/5/2024

Sophie WU
Printed Name

Head of Geocycle North America
Title

FINAL ORDER

Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
(For EPA use only.)

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Systech Environmental Corporation, EPA Docket No. RCRA-07-2024-0004, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Adam Hilbert
Office of Regional Counsel
hilbert.adam@epa.gov

Kevin Snowden
Enforcement and Compliance Assurance Division
Snowden.kevin@epa.gov

Milady Peters
Office of Regional Counsel
Peters.milady@epa.gov

Copy via Email to Respondent:

Paul DeSantis
Environmental and Northeast Regional Counsel
Holcim (US) Inc.
Paul.desantis@holcim.com

Dated this _____ day of _____, _____.

Signed

Copy delivered to the State of Kansas:

Julie Coleman, Director (e-copy)
Bureau of Waste Management
Kansas Department of Health and Environment
julie.coleman@ks.gov