



BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:) Docket No. RCRA-10-2025-0109
Carlile Transportation Systems, LLC)
1800 East 1st Avenue)
Anchorage, Alaska 99501) EXPEDITED SETTLEMENT
EPA ID No. AKR000005611) AGREEMENT AND
Respondent) FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

- 1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
2. The State of Alaska has not been authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 to carry out a hazardous waste program in lieu of the Federal program. Pursuant to Section 3008(a) of RCRA, the EPA may enforce the federal hazardous waste program in the State of Alaska.
3. Carlile Transportation Systems, LLC ("Respondent") is the owner or operator of the facility at 1800 East 1st Avenue, Anchorage, AK 99501 ("Facility"). The EPA alleges that Respondent violated the following requirements of RCRA:
a. Section 3005 of RCRA, 42 U.S.C. § 6925, requires that anyone who treats, stores or disposes of hazardous waste must have a permit or interim status. Similarly, 40 C.F.R. § 270.1 prohibits any person from storing, treating or disposing of hazardous waste without a permit or interim status.

40 C.F.R. § 262.13(a) states that a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of § 262.30 of this chapter at a transfer facility for a period of ten (10) days or less is not subject to regulation under parts 264, 265, 267, 268, and 270 of this chapter with respect to the storage of those wastes.

During a review of the Facility's manifests while conducting an on-site inspection, the inspector noted these fourteen manifests of hazardous waste with shipping dates

documenting on-site storage of hazardous waste at the Facility over the 10-day storage time limit:

Transfer Facility 10 Day Storage Exceedances

Manifest Tracking Number	Date Accepted	Date Transferred	Total Storage Days
012698444FLE	9/3/2020	9/25/2020	22
009994732FLE	11/12/2020	12/4/2020	22
018852580JJK	7/30/2021	8/12/2021	13
000385284JJK	7/30/2021	8/12/2021	13
015840951FLE	9/17/2021	9/30/2021	13
015840950FLE	9/17/2021	9/30/2021	13
015840942FLE	9/17/2021	9/30/2021	13
003476179FLE	10/1/2021	10/14/2021	13
003476160FLE	10/1/2021	10/14/2021	13
003476155FLE	10/1/2021	10/14/2021	13
003476150FLE	10/1/2021	10/14/2021	13
003312871CLE	10/8/2021	10/22/2021	14
015840998FLE	10/8/2021	10/27/2021	19
015839877FLE	10/14/2021	10/28/2021	14

Storing hazardous waste at a transfer facility longer than 10 days constitutes a violation of 40 C.F.R. § 263.12(a), and by reference 40 C.F.R. § 270.1, which prohibits any person from storing, treating or disposing of hazardous waste without a permit or interim status

- b. 40 C.F.R. § 279.22(c)(1) requires generators of used oil to label or mark clearly containers and aboveground tanks used to store used oil with the words “Used Oil.”

During the January 2022 inspection, in the Truck Shop areas, the inspector observed containers in service actively storing used oil without labels or markings with the words “Used Oil.” Failing to mark clearly or label containers storing used oil with the words “Used Oil” constitutes a violation of the regulations at 40 C.F.R. § 279.22(c)(1).

- c. 40 C.F.R. § 273.13(e)(4) requires small quantity handlers of universal waste who puncture and drain their aerosol cans to recycle the empty aerosol cans and meet additional requirements, including conducting puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.

During the January 2022 inspection, in the Trailer Shop and Bay 3 areas, the inspector observed used and spent universal waste aerosol cans. After inquiring, a Facility operator explained they puncture aerosol cans manually and allow residues to dry and evaporate in the container. The operator also told the inspector the Facility disposes of punctured aerosol cans through their municipal solid waste stream. The inspector observed an accumulation of punctured aerosol cans in a fiberboard container with spent residue on the container.

Failing to recycle punctured aerosol cans and failing to use a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof constitutes a violation of the regulations at 40 C.F.R. § 273.13(e)(4).

4. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$20,000. The attached Penalty Calculation Worksheet is incorporated by reference.
5. 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 to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (7) consents to electronic service of the filed ESA.
6. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of \$20,000 for the RCRA violations identified in this Agreement. Payments under this Agreement may be made by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <https://www.epa.gov/financial/makepayment> Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

7. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 6 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

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

8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and Final Order and to execute and legally bind Respondent to it.

- 9. 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.
- 10. Each party shall bear its own costs and fees, if any.
- 11. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.
- 12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
- 13. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order with the Regional Hearing Clerk for the EPA, Region 10.

IT IS SO AGREED,

RESPONDENT:

Name (print): Leon Dwiggins

Title (print): Director of Safety and Compliance

Signature:  _____
C71140C5AB03401...

Date: 7/23/2025

EPA REGION 10:

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 10

Date: _____

FINAL ORDER

I hereby ratify the Expedited Settlement Agreement and incorporate it by reference. This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall be effective immediately upon filing with the Regional Hearing Clerk for the EPA, Region 10. Such filing will conclude this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED,

Richard Mednick, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: _____

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Carlile Transportation Systems, LLC located in Anchorage, Alaska, Docket No.: RCRA-10-2025-0109, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered via electronic mail to:

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

Mr. Leon Dwiggins
Director of Safety and Compliance
Carlile Transportation Systems, LLC
1800 East 1st Avenue
Anchorage, Alaska 99501
ldwiggins@carlile.biz

DATED this _____ day of _____, 2025.

Salee Porter, Regional Hearing Clerk
EPA Region 10