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U.S. EPA REGION 4
HEARING CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

Chemical Waste Management, Inc.

EPA ID No.: ALD000622464

Respondent.

Docket No. TSCA-04-2024-6201(b)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 16(a) of the Toxic Substances Control Act (TSCA or the Act), 15 U.S.C. § 2615(a), and Sections 22.13(b) and 22.18 of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 16(a) of TSCA, 15 U.S.C. § 2615(a).
5. Respondent is Chemical Waste Management, Inc., located at 36964 AL Highway 17 N., Emelle, Alabama 35459.

III. GOVERNING LAW

- 6. Pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e), the Administrator of the EPA promulgated regulations in 40 C.F.R. Part 761 pertaining to Polychlorinated Biphenyls (PCBs). Failure to comply with any such regulation constitutes a violation of Section 15 of TSCA, 15 U.S.C. § 2614. Any person who violates Section 15 of TSCA, 15 U.S.C. § 2614, may be assessed a civil penalty in accordance with Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 40 C.F.R. Part 19. Each day a violation continues may constitute a separate violation.**
- 7. The term “facility” is defined in 40 C.F.R. § 761.3, as all contiguous land, and structures, other appurtenances, and improvements on the land, used for the treatment, storage, or disposal of PCB waste. A facility may consist of one or more treatment, storage, or disposal units.**
- 8. The term “PCB and PCBs” is defined in 40 C.F.R. § 761.3, as any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance.**
- 9. The term “PCB-Contaminated” is defined in 40 C.F.R. § 761.3, as a non-liquid material containing PCBs at concentrations ≥ 50 parts per million (ppm) but < 500 ppm; a liquid material containing PCBs at concentrations ≥ 50 ppm but < 500 ppm or where insufficient liquid material is available for analysis, a non-porous surface having a surface concentration > 10 micrograms (μg)/100 centimeters² (cm^2) but < 100 $\mu\text{g}/100$ cm^2 , measured by a standard wipe test as defined in 40 C.F.R. § 761.123.**
- 10. The term “PCB Equipment” is defined in 40 C.F.R. § 761.3, as any manufactured item, other than a PCB Container or a PCB Article Container which contains a PCB Article or other PCB Equipment, and includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.**
- 11. The term “PCB Article” is defined in 40 C.F.R. § 761.3, as any manufactured article, other than a PCB Container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. “PCB Article” includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item: (1) which is formed to a specific shape or design during manufacture; (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.**
- 12. The term “PCB Article Container” is defined in 40 C.F.R. § 761.3, as any package, can, bottle, bag, barrel, drum, tank, or other device used to contain PCB Articles or PCB Equipment, and whose surface(s) has not been in direct contact with PCBs.**
- 13. The term “PCB Item” is defined in 40 C.F.R. § 761.3, as any PCB Article, PCB Article Container, PCB Container, PCB Equipment, or anything that deliberately or unintentionally contains or has as a part of it any PCB or PCBs.**

14. The term "PCB waste(s)" is defined in 40 C.F.R. § 761.3, as those PCBs and PCB Items that are subject to the disposal requirements of Subpart D of 40 C.F.R. Part 761.
15. The term "Commercial storer of PCB waste" is defined in 40 C.F.R. § 761.3, as the owner or operator of each facility that is subject to the PCB storage unit standards of 40 C.F.R. § 761.65(b)(1) or (c)(7) or meets the alternate storage criteria of 40 C.F.R. § 761.65(b)(2), and who engages in storage activities involving either PCB waste generated by others or that was removed while servicing the equipment owned by others and brokered for disposal.
16. Pursuant to 40 C.F.R. § 761.65(d), persons who wish to commercially store PCB waste must apply for and obtain an "Approval" to operate a facility that is subject to the PCB storage requirements under 40 C.F.R. § 761.65. The applicant must demonstrate that it meets all applicable criteria, standards, and conditions for an Approval as specified in 40 C.F.R. § 761.65. A written Approval issued by the EPA shall include, but not be limited to, conditions deemed necessary by the EPA to ensure that operations of the PCB storage facility will not pose an unreasonable risk of injury to health or the environment. Commercial storers of PCB waste are required to comply with the conditions of the Approval.
17. The term "Storage for disposal" is defined in 40 C.F.R. § 761.3, as temporary storage of PCBs that have been designated for disposal.
18. The term "PCB Container" is defined in 40 C.F.R. § 761.3, as any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.
19. The term "Mark" is defined in 40 C.F.R. § 761.3, as the descriptive name, instructions, cautions, or other information applied to PCBs and PCB Items, or other objects subject to these regulations.
20. The term "Marked" is defined in 40 C.F.R. § 761.3, as the marking of PCB Items and PCB storage areas and transport vehicles by means of applying a legible mark by painting, fixation of an adhesive label, or by any other method that meets the requirements of these regulations.
21. Pursuant to 40 C.F.R. § 761.40(a), PCB Items and PCB Containers must be marked as illustrated in Figure 1 in 40 C.F.R. § 761.45(a) with the PCB "M₁" mark.
22. Pursuant to 40 C.F.R. § 761.65(c)(8), PCB Items must be marked with the date when they are removed from service for disposal.
23. Pursuant to 40 C.F.R. § 761.40(h), required marks on PCB Items must be placed in a position on the exterior of the PCB Items so that the marks can be easily read by any person inspecting or servicing the marked PCB Items.
24. Pursuant to 40 C.F.R. § 761.65(a)(1), PCB waste(s) must be disposed of as required by Subpart D of 40 C.F.R. Part 761 within 1-year from the date they were determined to be PCB waste and the decision was made to dispose of them. This date is the date of removal from service for disposal

and the point at which the 1-year time frame for disposal begins.

25. Pursuant to 40 C.F.R. § 761.219(a)(1), disposers of PCB waste must submit a One-year Exception Report to the EPA Regional Administrator for the Region in which the disposal facility is located no later than 45 days from the end of the 1-year storage for disposal date when the disposal facility receives PCBs or PCB Items on a date more than 9 months from the date the PCBs or PCB Items were removed from service for disposal.

IV. FINDINGS OF FACTS

26. Respondent is a Commercial storer of PCB waste at its facility located at 36964 AL Highway 17 N., Emelle, Alabama 35459 (the Facility). On September 18, 2020, the EPA issued an Approval to Respondent to commercially store, process, and dispose of PCB waste at the Facility pursuant to TSCA Section 6(e), 40 C.F.R. § 761.65(d), and 40 C.F.R. § 761.75.
27. The Approval lists specific conditions that Respondent must comply with in its operation of the Facility, including, but not limited to the following:
 - a. Condition C.1: Sets forth the maximum storage capacities for PCBs and PCB Items.
 - b. Condition C.4(a): PCB Items and PCB Containers must be marked as illustrated in Figure 1 in 40 C.F.R. § 761.45(a) with the PCB M_L mark.
 - c. Condition C.4(b): All PCB Items must be labeled with a date of removal from service for disposal. Storage shall be managed so that PCB Items can be located by this date.
 - d. Condition C.4(c): PCBs and PCB Items must be disposed of as required by 40 C.F.R. Part 761, Subpart D within 1-year from the date they were determined to be PCB waste and the decision was made to dispose of them. This date is the date of removal from service for disposal and the point at which the 1-year time frame for disposal begins.
 - e. Condition C.5(b): PCBs and PCB Items must be stored with an aisle width of two feet, minimally, to allow for unobstructed access to all PCBs and PCB Items stored on-site.
 - f. Condition C.5(c): PCBs and PCB Items must be stored in a manner that does not impede routine inspections.
 - g. Condition K.2: Respondent must maintain daily records of storage inventories which are sufficient to determine compliance with the maximum storage capacity and related requirements for PCBs and PCB Items specified in Condition C.1.
 - h. Condition K.4(h): Respondent must submit a One-year Exception Report to the EPA Regional Administrator for the Region in which the disposal facility is located no later than 45 days from the end of the 1-year storage for disposal date when the disposal facility receives PCBs or PCB Items on a date more than 9 months from the date the PCBs or PCB Items were removed from service for disposal.
28. On May 2, 2023, representatives of the EPA and the Alabama Department of Environmental Management (ADEM), acting in its capacity as an authorized agent of the EPA, conducted an inspection of Respondent's Facility pursuant to Section 11 of TSCA, 15 U.S.C. § 2610, to determine Respondent's compliance with the PCB regulations and the September 18, 2020, Approval and the Conditions set forth therein.

29. At the time of the inspection, the Facility had an active landfill that includes several areas used for disposal of PCB wastes in accordance with the Approval; a new landfill under construction; and sixteen closed landfills (which are currently undergoing permitted post-closure); as well as a hazardous waste treatment operation; several storage areas for hazardous wastes and PCB wastes; and various ancillary operations (facility maintenance areas, leachate storage tanks, a waste sampling area, and an on-site laboratory).
30. At the time of the inspection, Respondent was storing PCB waste consisting of PCB Items and PCB Containers in Buildings 600, 603, 604, 700, 702, and 2200. In all of these buildings, the PCB wastes were observed being stored randomly and comingled with hazardous waste and non-hazardous waste. Inspectors had difficulty locating the PCB wastes stored in these buildings, and each PCB Item and PCB Container was not stored in a manner that made it easy to read the labeling on the them as required by 40 C.F.R. § 761.40(h) and by Approval Conditions C.4(b), C.5(b), and C.5(c).
31. At the time of the inspection, the following PCB Items and PCB Containers were being stored without an appropriate PCB M_L mark as required by 40 C.F.R. § 761.40(a) and Approval Condition C.4(a):
- a. one PCB-Contaminated drum stored in Building 702 was inappropriately labeled "PCBC," which is not a legitimate PCB M_L mark;
 - b. one PCB drum in Row 36 of Building 700 (007276287GBF-1) was not labeled with a PCB M_L mark but was labeled with duct tape stating, "Presumed PCBs;"
 - c. one of the three PCB lab boxes stored in Building 700 was missing a PCB M_L mark; and
 - d. five of the six PCB or PCB-Contaminated bushings in row 20 of Building 700 with a "removed from service date" (RSD) of 1/6/2022, were not labeled with a PCB M_L mark.
32. At the time of the inspection, the following PCB Items were stored for disposal without a RSD as required by 40 C.F.R. § 761.65(c)(8), and Approval Condition C.4(b):
- a. one PCB drum (007229787GBF-1-1) stored in the 1 Compatible Area of Building 604;
 - b. two PCB and hazardous waste drums (EME-00703 and EME-00704) stored in the 9 Compatible Area of Building 604;
 - c. one PCB drum (EME-000684) stored in the donning/doffing area of Building 603;
 - d. five PCB drums stored in Building 702 (0002465502SH-2-3, 0002431764SH-1-1, 0002431764SH-2-1, 0002431764SH-2-2, 0002431764SH-2-3);
 - e. one PCB drum (EME-000684) stored in the donning/doffing area of Building 700; and
 - f. one PCB drum (015244300FLE-1-1) located in Row 33 of Building 700.
33. At the time of the inspection, five of the PCB waste drums located in Row 32 of Building 700 (007216866GBF-2-1, 007216866GBF-2-2, 007216866GBF-2-3, 007216866GBF-2-4, and 007216866GBF-2-5) had an inaccurate RSD of 9/26/2023 but had a received date of 8/3/2022 incorrectly indicating that the drums had been removed from service over a year after the drums had already been received by the Facility.

34. At the time of the May 2, 2023, inspection, the following PCB Items and PCB Containers observed at the Facility had been stored for disposal longer than the 1-year limit allowed by 40 C.F.R. § 761.65(a)(1) and Approval Condition C.4(c):
- a. one PCB drum (014268977JJK-1) stored in Bay 11, Slot 14 of Building 603 had a RSD of 11/2/2020;
 - b. one PCB drum (007271460GBF-1-7) stored in Row 18 of Building 702 had a RSD of 2/13/2022;
 - c. six of the PCB or PCB-Contaminated bushings in Row 20 of Building 700 had a RSD of 1/6/2022; and
 - d. the box of PCB waste in Row 20 of Building 700 (022109936JJK-6-1) had a RSD of 3/28/2022.
35. At the time of the inspection, Respondent had not timely submitted to the EPA a One-year Exception Report as required by 40 C.F.R. § 761.219(a)(1) and Approval Condition K.4(h) for the following PCB Items and PCB Containers that had been stored and/or disposed at the Facility:
- a. one PCB drum stored in Building 604 (022109956JJK-5-1) with a RSD of 6/5/2020, and was received by Respondent on 12/1/2022;
 - b. unspecified PCB Items and/or PCB Containers (007228451GBF-1) (quantity five) with a RSD of 1/15/2021, received by Respondent on 11/30/2022; and
 - c. unspecified PCB Items and/or PCB Containers (022109956JJK-5) with a RSD of 6/5/2020, received by Respondent on 12/01/2022.
36. At the time of the inspection, Respondent failed to produce an accurate inventory of PCB waste on-site as required by Approval Condition K.2, because the following PCB Items and PCB Containers were being stored on-site but were missing from Respondent's PCB Waste Inventory list or the labeling on drums was different from the PCB inventory:
- a. 014268977JJK-1 with a RSD of 11/2/2020, located in Building 603, Bay 11, Slot 14;
 - b. six bushings with a RSD of 1/6/2022, located in Building 700, Row 20;
 - c. 015244300FLE-1-1 with no RSD, located in Building 600, Row 33;
 - d. 0002431764SH-2-1 with no RSD, located in Building 702, Row 7;
 - e. 0002431764SH-2-2 with no RSD, located in Building 702, Row 7;
 - f. 0002431764SH-2-3 with no RSD, located in Building 702, Row 7;
 - g. 0002431764SH-1-1 with no RSD, located in Building 702, Row 7; and
 - h. 007271060GBF-1-7 with a RSD of 2/13/2022, located in Building 702, Row 18.

V. ALLEGED VIOLATIONS

37. The EPA alleges that Respondent failed to store PCB Items and PCB Containers in an easily identifiable and readable manner in violation of 40 C.F.R. §761.40(h), Approval Conditions C.4(b), C.5(b), and C.5(c), and Section 15 of TSCA, 15 U.S.C. § 2614.
38. The EPA alleges that Respondent failed to label PCB Items and PCB Containers with the appropriate

PCB ML mark in violation of 40 C.F.R. §761.40(a), Approval Condition C.4(a), and Section 15 of TSCA, 15 U.S.C. § 2614.

- 39. The EPA alleges that Respondent failed to mark or correctly mark PCB Items and PCB Containers with the removed from service dates for disposal in violation of 40 C.F.R. § 761.65(c)(8), Approval Condition C.4(b), and Section 15 of TSCA, 15 U.S.C. § 2614.**
- 40. The EPA alleges that Respondent failed to meet the 1-year disposal limit for PCBs and PCB Items in violation of 40 C.F.R. § 761.65(a)(1), Approval Condition C.4(c), and Section 15 of TSCA, 15 U.S.C. § 2614.**
- 41. The EPA alleges that Respondent failed to file a One-Year Exception Report to the EPA for PCBs and PCB Items in violation of 40 C.F.R. § 761.219(a)(1), Approval Condition K.4(h), and Section 15 of TSCA, 15 U.S.C. § 2614.**
- 42. The EPA alleges that Respondent failed to maintain a complete and accurate PCB Waste Inventory in violation of Approval Condition K.2 and Section 15 of TSCA, 15 U.S.C. § 2614.**

VI. STIPULATIONS

- 43. The issuance of this CAFO simultaneously commences and concludes this proceeding pursuant to 40 C.F.R. § 22.13(b).**
- 44. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:**
 - a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;**
 - b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;**
 - c. consents to the assessment of a civil penalty as stated below;**
 - d. consents to the conditions specified in this CAFO;**
 - e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and**
 - f. waives its rights to appeal the Final Order accompanying this CAFO.**
- 45. For the purpose of this proceeding, Respondent:**
 - a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;**
 - b. acknowledges that this CAFO constitutes an enforcement action for purposes of**

considering Respondent's compliance history in any subsequent enforcement actions;

- c. waives any rights it may possess at law or in equity to challenge the authority of the EPA 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, and agrees that federal law shall govern in any such civil action;
- d. by executing this CAFO, certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected;
- e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and
- f. agrees to comply with the terms of the CAFO.

46. In accordance with 40 C.F.R. § 22.5, the individuals named in the Certificate of Service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

47. Respondent is assessed a civil penalty of **SIXTY-EIGHT THOUSAND, SIX-HUNDRED AND NINETY-NINE DOLLARS (\$68,699.00)**, which shall be paid within thirty (30) days of the Effective Date of this CAFO.
48. Payment shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and Docket Number for this matter shall be referenced on the face of the check. If Respondent sends payment by standard U.S. Postal Service delivery, the payment shall be addressed to:

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-standard mail delivery (e.g., FedEx, DHL, UPS, USPS certified, registered, etc.), the payment shall be sent to:

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, Missouri 63045

If paying by EFT, Respondent shall transfer the payment to:

**Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Beneficiary: Environmental Protection Agency**

If paying by ACH, Respondent shall remit payment to:

**US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Remittance Express (REX): 1-866-234-5681**

- 49. Respondent shall send electronic proof of payment within twenty-four (24) hours of payment of the civil penalty, to:**

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
R4_Regional_Hearing_Clerk@epa.gov**

and

**Kris Lippert
TSCA Enforcement Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
lippert.kristin@epa.gov**

- 50. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, 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 Facility name and Docket No. TSCA-04-2024-6201(b).**
- 51. Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover costs of processing and handling the delinquent claim. Accordingly, the EPA may require Respondent to pay**

the following amounts on any amount overdue:

- a. **Interest.** Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within thirty (30) days of the Effective Date of this CAFO, interest is waived. However, if the civil penalty is not paid in full within thirty (30) days of the Effective Date of this CAFO, interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
- b. **Non-Payment Penalty.** On any portion of a civil penalty more than ninety (90) days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
- c. **Monthly Handling Charge.** Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(c) and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

52. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:

- a. refer the debt to a credit reporting agency or a collection agency (see 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 to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (see 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 the EPA or engaging in programs the EPA sponsors or funds (see 40 C.F.R. § 13.17); and/or
- d. request that the Attorney General bring a civil action in the appropriate district court to recover the amount assessed, in addition to the amounts described above, pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a). In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

53. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.
54. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service (IRS) annually, a completed 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 the 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.” The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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;
 - c. Respondent shall email its completed Form W-9 to EPA Region 4’s Cincinnati Finance Center contact, Jessica Henderson (Henderson.Jessica@epa.gov), on or before the date that Respondent’s initial penalty payment is due, pursuant to paragraph 47 of this CAFO, and the EPA recommends encrypting 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 thirty (30) days after the Effective Date of this CAFO, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - i. notify the EPA’s Cincinnati Finance Center of this fact, via email, by the date noted above; and
 - ii. provide the EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

VIII. EFFECT OF CAFO

55. This CAFO constitutes a settlement by the EPA of all claims for federal civil penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for the specific violations alleged herein.
56. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).

57. Any violation of this CAFO may result in a civil judicial action for civil penalties as provided in Section 16(a) of the Act, 42 U.S.C. § 2615(a), as well as criminal sanctions as provided in Section 16(b) of the Act, 42 U.S.C. § 2615(b). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.
58. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
59. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent hazard as provided under the Act.
60. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
61. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns.
62. Any change in the legal status of Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
63. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential information under Section 14 of TSCA, 42 U.S.C. § 2613, and 40 C.F.R. Part 2 and the Freedom of Information Act (FOIA), or personally identifiable information.
64. By signing this Consent Agreement, Complainant, and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
65. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
66. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

67. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
68. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
69. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.


IX. EFFECTIVE DATE

70. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

[Complainant and Respondent will Each Sign on Separate Pages]

The foregoing Consent Agreement In the Matter of the **Chemical Waste Management, Inc.**, Docket No. **TSCA-04-2024-6201(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT, Chemical Waste Management, Inc.:

 _____ 4-18-2024 _____
Signature Date
Printed Name: BRYAN CAMPBELL
Title: Sr. District Mgr
Address: 36964 AL Highway 17 N, Emelle, AL, 35459

The foregoing Consent Agreement In the Matter of the **Chemical Waste Management, Inc.**, Docket No. **TSCA-04-2024-6201(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

Keriema S. Newman
Director
Enforcement and Compliance Assurance Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 4

In the Matter of:

Chemical Waste Management, Inc.

EPA ID No.: ALD000622464

Respondent.

Docket No. **TSCA-04-2024-6201(b)**

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified, and incorporated by reference into this Final Order in accordance with 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.

Respondent is hereby ORDERED to comply with all the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, In the Matter of the **Chemical Waste Management, Inc.**, Docket No. **TSCA-04-2024-6201(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

Via email to all Parties at the following email addresses:

To Respondent: Mark Noel
 Director
 Environmental, Health & Safety
 Gulf Coast Area
 Chemical Waste Management, Inc.
 mnoel@wm.com

To EPA: Kris Lippert
 Senior Enforcement Officer
 lippert.kristin@epa.gov

 Robert Caplan
 Senior Attorney
 caplan.robert@epa.gov

Shannon L. Richardson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
R4_Regional_Hearing_Clerk@epa.gov