



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

In the Matter of: )  
)  
**Safety-Kleen Systems, Inc.,** )  
)  
Respondent. ) **Docket No. RCRA-07-2023-0134**  
)  
)  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND FINAL ORDER**

**PRELIMINARY STATEMENT**

The U.S. Environmental Protection Agency (EPA), Region 7 (“Complainant”) and Safety-Kleen Systems, Inc. (“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 Nebraska Revised Statute 81-1505(13), RCRA Sections 3001, 3002, 3003, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6921, 6922, 6923, 6924, 6925 and the Nebraska 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. § 264).

**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 Safety-Kleen Systems, Inc., a corporation authorized to operate under the laws of Nebraska, Iowa, and 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 3001, 3002, 3003, 3004, and 3005 of RCRA, 42 U.S.C. §§ 6921, 6922, 6923, 6924, and 6925, to develop and promulgate specific requirements in order 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 3001 of RCRA, 42 U.S.C. § 6921, requires the Administrator to develop and promulgate criteria for identifying the characteristics of hazardous waste, and for listing hazardous waste, which should be subject to the provisions of this subchapter, taking into account toxicity, persistence, and degradability in nature, potential for accumulation in tissue, and other related factors such as flammability, corrosiveness, and other hazardous characteristics.

8. 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.

9. Section 3003 of RCRA, 42 U.S.C. § 6923, requires the Administrator to promulgate regulations establishing such standards, applicable to transporters of hazardous waste identified or listed under this subchapter, as may be necessary to protect human health and the environment.

10. 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.

11. 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.

12. 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.

13. 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).

14. 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.

15. 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.

16. 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.

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

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

19. 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.

20. 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.

21. 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).

22. The regulation at 40 C.F.R. § 260.10 defines “incompatible waste” to mean a hazardous waste which is unsuitable for: (1) placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or (2) commingling with another waste or material under uncontrolled conditions because

the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

23. 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.

24. 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.

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

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

27. 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.

28. The State of Nebraska 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 Nebraska has adopted by reference the federal regulations cited herein at pertinent parts of the Nebraska Administrative Code, Title 128 – Rules and Regulations Governing Hazardous Waste Management (hereinafter “128 N.A.C.”). Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder.

29. 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 States of Kansas and Nebraska have been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

30. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), whenever on the basis of any information the EPA determines that any person has violated or is in violation of any requirement of RCRA, the 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.

31. 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 \$117,468 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 6, 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**

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

33. Respondent owns and operates three facilities located at 2700 West Second Street, Grand Island, Nebraska 68803, 4704 NE 22<sup>nd</sup> Street, Des Moines, Iowa 50313, and 1311 South Anna, Wichita, Kansas 67209. Respondent is a permitted treatment, storage, disposal facility, a transfer facility, and a large quantity generator of hazardous waste. Respondent is also a small quantity handler of universal waste lamps and batteries, and a used oil generator and transfer facility.

34. On or about October 13, 2017, Respondent obtained a hazardous waste management facility permit from the state of Nebraska. On or about September 28, 2021, Respondent was reissued a hazardous waste management facility by the EPA for the Respondent’s facility in Iowa. On or about November 1, 2019, Respondent was issued a hazardous waste management facility permit from the state of Kansas.

35. On or about February 1, 2022, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter “the inspection”) of the hazardous waste management practices at Respondent’s facility in Grand Island, Nebraska. 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, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a hazardous waste transfer facility, a treatment/storage/disposal facility, and a small quantity handler of universal waste.

36. During the Grand Island inspection, the inspector observed two five-gallon containers of “Waste Paint Related Material” stacked on top of containers of “Waste Oxidizing Solid.” According to the “Hazardous Materials Load and Segregation Chart” available for use by Safety-Kleen personnel, oxidizers and flammable liquids must be separated when stored.

37. The inspector also noted a railroad tank car used to store used oil was not labeled with the words "Used Oil."

38. Respondent's Grand Island facility has been assigned the RCRA ID Number: NED053316535

39. On or about March 9, 2022, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter "the inspection") of the hazardous waste management practices at Respondent's facility in Des Moines, Iowa. 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, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a hazardous waste transporter and transfer facility, a used oil transporter and transfer facility, a treatment/storage/disposal facility, a universal waste transporter, and a small quantity handler of universal waste.

40. During the Des Moines inspection observed that equipment had been staged immediately adjacent to the south side of the stacked containers in the CSA. The space between the equipment and the containers was insufficient to allow the unimpeded movement of equipment.

41. The inspector also observed a container of facility-generated hazardous waste that had not been labeled hazardous waste. Additionally, the inspector noted 26 of the non-lamp containers at the Des Moines facility did not have a barcode label and the eight-character code that ties containers to the operating record. The barcode and eight-character code ties to the facility operating record and includes a description, quantity, status, and location of each hazardous waste.

42. During a review of the 2022 inspection logs for the CSA, the inspector did not observe any logs that showed the failures and/or discrepancies described in the previous paragraph. The inspector noted it did not appear that facility personnel had observed the containers that were unlabeled or that they did not have visible labels.

43. Respondent's Des Moines facility has been assigned the RCRA ID Number: IAD981718000

44. On or about April 7 and 8, 2022, EPA inspectors conducted a RCRA Compliance Evaluation Inspection (hereinafter "the inspection") of the hazardous waste management practices at Respondent's facility in Wichita, Kansas. 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, at the time of the inspection, as a Large Quantity Generator of hazardous waste, a hazardous waste and used oil transfer facility, a treatment/storage/disposal facility, used oil generator, and a small quantity handler of universal waste.

45. During the Wichita inspection, the inspector observed liquid in the tank farm secondary containment, loading area sump, and under the Return and Fill elevated grate within a



sump. Facility personnel stated that it last rained on Sunday or Monday (April 3 or 4, 2022). Liquid in the three areas was observed on April 7, 2022.

46. The inspector also noted a crack in the southeast berm of the permitted storage area. The crack had been documented on the inspection log for at least the past month.

47. Respondent's Wichita facility has been assigned the RCRA ID Number: KSD000809723

### **Violations**

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

#### **Count 1**

#### **Failure to Adequately Manage Containers**

49. Complainant hereby incorporates the allegations contained in Paragraphs 32 through 47 above, as if fully set forth herein.

##### *Failure to Separate Incompatible Wastes*

50. Pursuant to Permit Condition D.9.c of the Grand Island permit, 40 C.F.R. § 264.177, as incorporated by reference at Title 128 Chapter 21, 009 of the Neb. Admin. Code, Respondent shall separate storage containers holding hazardous waste that is incompatible with any waste or other materials stored nearby in other containers and tanks by means of a dike, berm, wall, or other device.

51. At the time of the inspection, Respondent was storing two five-gallon containers of "Waste Paint Related Material" stacked on top of containers of "Waste Oxidizing Solid."

52. The "Hazardous Materials Load and Segregation Chart" available for use by Safety-Kleen personnel noted that oxidizers and flammable liquids must be separated when stored.

53. Respondent's failure to separate incompatible wastes is a violation of Permit Condition D.9.c of the Grand Island permit and 40 C.F.R. § 264.177, as incorporated by reference at Title 128 Chapter 21, 009 of the Neb. Admin. Code.

##### *Failure to Maintain Adequate Aisle Space*

54. Pursuant to Permit Condition III.H.5 of the Des Moines permit, incorporating the regulation at 40 C.F.R. § 264.35, Respondent shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of Facility operation.

55. At the time of the inspection, Respondent was not maintaining adequate aisle space immediately adjacent to the south side of the stacked containers in the CSA that would allow the movement of equipment.

56. Respondent's failure to maintain adequate aisle space is a violation of Permit Condition III.H.5 and 40 C.F.R. § 264.35.

*Failure to Visibly Date and Label CSA Containers as "Hazardous Waste"*

57. Pursuant to Permit Condition IV.E.2 of the Des Moines permit, all containers of hazardous waste shall be marked with the accumulation start date and the words "Hazardous Waste" so that the accumulation start date and "Hazardous Waste" markings are readily visible to an inspector.

58. At the time of the inspection, one container of facility generated hazardous waste was not labeled with the words "Hazardous Waste."

59. Respondent's failure to label a container of facility generated hazardous waste with the words "Hazardous Waste" is a violation of Permit Condition IV.E.2.

*Failure to Conduct an Adequate Inspection of the CSA*

60. Pursuant to Permit Condition III.E of the Des Moines permit, incorporating the regulations at 40 C.F.R. § 264.15, Respondent shall inspect the Facility for malfunctions and deteriorations, operator errors, and discharges that may be causing, or may lead to: (1) release of hazardous waste or hazardous waste constituents to the environment, or (2) a threat to human health or the environment. The Permittee shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

61. At the time of the inspection, the inspector reviewed the 2022 inspection logs for the CSA, the inspector did not observe any logs that showed the failures and/or discrepancies described in paragraph 41. According to the inspector, it did not appear that facility personnel had observed the containers that were unlabeled or that they did not have visible labels.

62. Respondent's failure to conduct adequate inspections of the CSA is a violation of Permit Condition III.E and 40 C.F.R. § 264.15.

*Failure to Remove any Precipitation Within Twenty-Four Hours of the End of a Rainfall Event*

63. Pursuant to Permit Condition III.I.2 of the Wichita permit, incorporating the regulations at 40 C.F.R. § 264.175(b)(5), Respondent shall remove spilled or leaked waste and accumulated precipitation from the secondary containment system within twenty-four hours.

64. At the time of the inspection, the inspector observed liquid in the tank farm secondary containment, loading area sump, and under the Return and Fill elevated grate within a



sump. Facility personnel stated that it last rained on Sunday or Monday (April 3 or 4, 2022). Liquid in the three areas was observed on April 7, 2022.

65. Respondent's failure to remove precipitation within twenty-four hours is a violation of Permit Condition III.I.2 and 40 C.F.R. § 264.175(b)(5).

*Failure to Maintain Container Storage System*

66. Pursuant to Permit Condition III.I.1 of the Wichita permit, K.A.R. 28-31-264 incorporating the regulations at 40 C.F.R. § 264.175, Respondent shall maintain the containment systems in accordance with the plans and specifications contained in Section D of the approved Permit Application.

67. At the time of the inspection, the inspector observed a crack in the southeast berm of the permitted storage area. The crack had been documented on the inspection log for at least the past month.

68. Respondent's failure to maintain the container storage system is a violation of Permit Condition III.I.1 and 40 C.F.R. § 264.175.

**Count 2**

**Failure to Properly Manage Used Oil**

69. Complainant hereby incorporates the allegations contained in Paragraphs 32 through 47 above, as if fully set forth herein.

70. Pursuant to 40 C.F.R. § 279.22(c)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

71. At the time of the inspection, a railroad tank car used to store used oil was not labeled with the words "Used Oil" at the Grand Island facility.

72. Respondent's failure to label the railroad tank car with the words "Used Oil" is a violation of 40 C.F.R. § 279.22(c)(1).

**Count 3**

**Failure to Maintain Adequate Records in the Operating Record**

73. Complainant hereby incorporates the allegations contained in Paragraphs 32 through 47 above, as if fully set forth herein.

74. Pursuant to Permit Condition III.K.1 of the Des Moines permit, incorporating the regulation at 40 C.F.R. § 264.73, Respondent shall maintain a written operating record at the facility. This includes a description and quantity of each hazardous waste received, the methods

and dates of its treatment, storage, or disposal, and a record of the location and quantity of each hazardous waste.

75. At the time of the inspection, 26 of the non-lamp containers did not have a barcode label and associated eight-character code that would allow the facility to keep the operating record properly updated. The barcode and eight-character code allow the facility to track required information such as the description, quantity, status, and location of each hazardous waste. Without the barcode and eight-character code on the non-lamp containers the containers were not properly accounted for in the operating record.

76. Respondent's failure to maintain adequate records in the operating record is a violation of Permit Condition III.K.1 and 40 C.F.R. § 264.73.

### **CONSENT AGREEMENT**

77. 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.

78. 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.

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

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

81. Respondent consents to receiving an electronic copy of the filed Consent Agreement and Final Order at the following email address: *mori.sorenson@safety-kleen.com*

### **Penalty Payment**

82. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of **\$95,781** as set forth below.

83. 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>.

84. 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*.

85. 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**

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. 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**

94. 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.

95. 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.

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

97. 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.

98. 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

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David Cozad  
Director  
Enforcement and Compliance Assurance Division

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Date

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Adam Hilbert  
Office of Regional Counsel

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Date



RESPONDENT:

SAFETY-KLEEN SYSTEMS, INC.



9/19/2023

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Signature

---

Date

William F. Connors

---

Printed Name

Sr. Vice President, Compliance

---

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.

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Karina Borromeo  
Regional Judicial Officer

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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 Safety-Kleen Systems, Inc., EPA Docket No. RCRA-07-2023-0134, 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*

Tiffany DeLong  
Enforcement and Compliance Assurance Division  
*Delong.tiffany@epa.gov*

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

Copy via Email to Respondent:

Mori Sorenson  
VP of Environmental Compliance  
Safety-Kleen Systems, Inc.  
4704 NE 22<sup>nd</sup> Street  
Des Moines, Iowa 50313  
*Mori.sorenson@safety-kleen.com*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Signed

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**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*

Amy E. Thompson (e-copy)  
Compliance and Enforcement, Waste Reduction, and Assistance Section  
Kansas Department of Health and Environment  
*amy.e.thompson@ks.gov*

**Copy delivered to the State of Nebraska:**

Nebraska Electronic Docket (e-copy)  
*ndee.ecmupload@nebraska.gov*

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