

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

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|--|---|------------------------------|
| IN THE MATTER OF: |) | Docket No. RCRA-10-2022-0232 |
| |) | |
| Schlumberger |) | |
| |) | |
| Respondent |) | EXPEDITED SETTLEMENT |
| |) | AGREEMENT AND |
| |) | FINAL ORDER |
| Schlumberger Technology Corporation East Facility) |) | |
| Building 27 Spine Road |) | |
| Prudhoe Bay, Alaska 99734 |) | |
| |) | |
| EPA ID Number: AKD000814012 |) | |
| |) | |
| Facility |) | |
| _____ |) | |

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. Schlumberger (“Respondent”) is the owner or operator of the Schlumberger Technology Corporation East Facility at Building 27 Spine Road, Prudhoe Bay, Alaska, EPA RCRA ID No. AKD000814012 (“Facility”). The EPA alleges that Respondent violated the following requirements of RCRA:

- a. Failure to label used oil container with the words “Used Oil”

The regulation at 40 C.F.R. § 279.22(c)(1), requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

At the time of the inspection of the Utility Room in the Drilling and Measurement Shop, the inspector observed a 55-gallon container used to accumulate used oil. This container was not labeled with the words, “Used Oil” in violation of 40 C.F.R. § 279.22(c)(1).”

In the Front shop/Pit Bay/oil storage area the facility has an oil filter crusher, EPA inspector observed an open 5-gallon bucket that was being used to accumulate the used oil from the filter crusher. At the time of the inspection, the 5-gallon bucket was not labeled with the words "Used Oil" in violation of 40 C.F.R. § 279.22(c)(1).

b. Failure to close universal waste lamp container

The regulation at 40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste must contain any lamp in containers or packages that are strictly sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonable foreseeable condition.

At the time of the inspection of the Front shop/Parts cage, EPA inspector observed an open cardboard box that according to Mr. Muir, contained waste fluorescent lamps. The container held eight loose lamps and a box that contained additional 22 lamps. The container was labeled with the words "Universal Waste -lamps" but it was not closed in violation of 40 C.F.R. § 273.13(d)(1).

c. Failure to label universal waste batteries

The regulation at 40 C.F.R. § 273.14(a) requires that a small quantity handler of universal waste must label universal waste batteries (i.e. each battery) or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

At the time of the inspection of the Front shop/Parts cage, EPA inspector observed one small cardboard box, that held between 25 and 30 Ni-Cad batteries and a larger wooden box that held six Ni-Cad batteries and ten small lead acid batteries. Neither of the two boxes were labeled with the words "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" in violations of 40 C.F.R. § 273.14(a).

While in the Gun shop, EPA inspector observed a small box of waste batteries and three Ni-Cad batteries that were not labeled with the words "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)" in violation of 40 C.F.R. § 273.14(a).

d. Failure to properly manage universal waste aerosol cans

The regulation at 40 C.F.R. § 273.13(e)(4)(i) requires a small quantity handler of universal waste must conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.

At the time of inspection of the D&M shop, EPA inspector observed a 5-gallon bucket that held six punctured aerosol cans in the tool rebuild shop. These aerosol cans did not look as though they had been safely punctured by the facility's drum top can popper device which is designed to effectively contain the residual content. The six cans appeared as though they had been punctured using another type of tool. Facility employees were unable to provide any information

on where these aerosol cans were punctured, or how the contents of the cans were managed in violation of 40 C.F.R. § 273.13(e)(4)(i).

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 \$5,000. 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 \$5,000 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: <http://www2.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
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

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 | Xiangyu Chu |
| U.S. Environmental Protection Agency | U.S. Environmental Protection Agency |
| Region 10 | Region 10 |
| R10_RHC@epa.gov | Chu.xiangyu@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): _____

Title (print): _____

Signature: _____

Date: Sept 7th _____

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: Schlumberger, Docket No.: RCRA-10-2022-0232 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:

Xiangyu Chu
U.S. Environmental Protection Agency
Region 10
Chu.xiangyu@epa.gov

Kelly Sperbeck
600 East 57th Place, Suite A
Anchorage, AK 99518
ksperbeck@slb.com

DATED this _____ day of _____, 2022.

Regional Hearing Clerk
EPA Region 10