

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	Docket No. RCRA-10-2025-0054
)	
)	
PACCAR Inc.)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
Respondent)	FINAL ORDER
)	
Kenworth Truck Company)	
1601 North 8th Street)	
Renton, WA 98057)	
EPA ID No. WAD 988517934)	
)	
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. By copy of this letter, the EPA is providing the State of Washington with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).
3. PACCAR Inc. ("Respondent") is the owner or operator of the facility at 1601 North 8th Street in Renton, Washington ("Facility"), and is authorized under the laws of the State of Washington to conduct business under the assumed business name Kenworth Truck Company.
 - a. State of Washington dangerous waste management program.
As a 'generator' of 'hazardous wastes' which are also 'dangerous wastes' as those terms are defined by WAC 173-303-040 and -070 (2014), Respondent is subject to the Washington Dangerous Waste Management Program in chapter 173-303 of the Washington Administrative Code ("WAC").

The EPA granted the State of Washington final authorization to administer and enforce its hazardous waste program and to carry out such program in lieu of the federal program, in accordance with Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). The EPA may enforce the federally-approved Dangerous Waste Management Program, in accordance with Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The EPA most recently authorized the Washington Dangerous Waste Management Program in effect on December 31, 2014. *See* 83 Fed. Reg. 10,383 (Apr. 9, 2018).

Owners and operators of facilities that transfer, treat, store, or dispose or recycle dangerous waste are required to obtain a dangerous waste permit issued by the state of Washington. WAC 173-303-800(2) (2014). Owners and operators of facilities that generate dangerous waste may only store and/or accumulate dangerous waste onsite in conformance with a dangerous waste permit, in conformance with the interim status facility standards at WAC 173-303-400 (2014), or in conformance with the conditions for exemption from the permit requirements at WAC 173-303-200 (2014).

For a large quantity generator (“LQG”) to accumulate dangerous waste onsite for up to 90 days after the date of generation without a permit, that LQG must, *inter alia*, place dangerous waste in containers and must satisfy the requirements of WAC 173-303-630(2)-(6), (8)-(10) (2014) and 40 CFR part 265 subparts AA, BB, and CC. WAC 173-303-200(1)(b)(i) (2014).

b. Facility

Respondent generates at least 2,200 pounds of hazardous wastes in a calendar month at the Facility, and the Facility is a LQG for purposes of the EPA approved and authorized Washington Dangerous Waste Management Program. WAC 173-303-200 (2014).

At all times relevant to this ESA, Respondent did not have a ‘dangerous waste permit’ or ‘interim status,’ as those terms are used in Washington’s dangerous waste regulations in chapter 173-303 WAC (2014), and therefore could only accumulate or store hazardous waste at the Facility in conformance with the applicable exemption requirements of WAC 173-303-200 (2014). WAC 173-303-170(3)(a) (2014); *see also* WAC 173-303-600(2), (3)(d) (2014).

4. On August 18, 2023, the EPA conducted an inspection of the Facility pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Respondent’s compliance with Washington’s dangerous waste regulations (the “Inspection”). The EPA alleges that Respondent violated the following requirements of RCRA and of the EPA approved and authorized Washington Dangerous Waste Management Program:

a. ***Count 1: Accumulation of dangerous waste without a dangerous waste permit or interim status.***

WAC 173-303-200(1)(b)(i) (2014) requires that for an LQG to accumulate dangerous waste onsite without a permit for 90 days or less after the date of generation, the LQG must, *inter alia*, place the dangerous waste in containers.

At the time of the Inspection, Respondent had accumulated dangerous waste outside of any container in the West Cab Buck area of the Assembly Building. As Respondent’s accumulation of dangerous waste was outside of any container, Respondent failed to conform with the permit exemption criteria in WAC 173-303-200 (2014).

Respondent violated WAC 173-303-800(2) (2014) and failed to satisfy the permit exemption criteria in WAC 173-303-200(1)(b)(i) (2014) when Respondent failed to get a dangerous waste permit before accumulating dangerous waste outside of any container in the West Cab Buck area of the Assembly Building.

b. ***Count 2: Failure to properly mark or label containers of dangerous waste.***

WAC 173-303-630(3) (2014) applies to all dangerous waste facilities in Washington that store containers of dangerous waste. WAC 173-303-630(3) (2014) is also among the criteria an LQG must satisfy to accumulate dangerous waste in containers for up to 90 days without a permit. *See* WAC 173-303-200(1)(b)(i), -630(1) (2014).

WAC 173-303-630(3) (2014) requires owners and operators to label containers of dangerous waste in a manner that adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public.

For an LQG to accumulate dangerous waste in containers for up to 90 days without a permit, that LQG must mark or label containers of dangerous waste with the words “dangerous waste” or “hazardous waste” and a descriptive word and/or pictogram that identifies the major risk(s) associated with the waste. WAC 173-303-200(1)(d) (2014).

Count 2a: Failure to mark containers with identifiers of the major risks

At the time of the Inspection, Respondent had 12 containers of dangerous waste at the Facility that were not labeled with a descriptive word and/or pictogram that identified the major risk(s) associated with the contained waste. As a result, Respondent failed to meet the permit exemption criteria in WAC 173-303-200(1)(b)(i) and (d) (2014).

Respondent violated WAC 173-303-630(3) (2014) and failed to satisfy the permit exemption criteria in WAC 173-303-200(1) (2014) when it failed to label 12 containers of dangerous waste at the Facility in a manner that adequately identified the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public.

Count 2b: Failure to mark containers with identifiers of the major risks

At the time of the Inspection, Respondent had three containers of dangerous waste at the Facility that were neither labeled with the words “dangerous waste” nor “hazardous waste” and that were not labeled with a descriptive word and/or pictogram that identified the major risk(s) associated with the contained waste. As a result, Respondent failed to meet the permit exemption criteria in WAC 173-303-200(1)(b)(i) and (d) (2014).

Respondent violated WAC 173-303-630(3) (2014) and failed to satisfy the permit exemption criteria in WAC 173-303-200(1) (2014) when Respondent failed to label three containers of dangerous waste at the Facility in a manner that adequately identified the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public.

Count 2c: Failure to mark containers with starting dates of accumulation of dangerous waste

For an LQG to accumulate dangerous waste in containers for up to 90 days without a permit, that LQG is required to mark or label containers of dangerous waste with the date upon which each period of accumulation began. WAC 173-303-200(1)(c) (2014).

At the time of the Inspection, Respondent failed to meet the permit exemption criteria, when Respondent had two containers of dangerous waste at the Facility that were not marked or labeled with the date upon which each period of accumulation began.

Respondent violated WAC 173-303-800(2) (2014) and failed to meet the permit exemption criteria in WAC 173-303-200(1)(c) (2014) when it accumulated dangerous waste at the Facility without a dangerous waste permit or the interim status facility standards.

c. ***Count 3: Failure to properly conduct and record inspections of containers of dangerous waste.***

WAC 173-303-630(6) (2014) applies to all dangerous waste facilities in Washington that store containers of dangerous waste. WAC 173-303-630(6) (2014) is also among the criteria an LQG must satisfy to accumulate dangerous waste in containers for up to 90 days without a permit. *See* WAC 173-303-200(1)(b)(i), -630(1) (2014).

WAC 173-303-630(6) (2014) requires owners and operators of all dangerous waste facilities to inspect areas where containers of dangerous waste are stored at least weekly. The regulation also requires owners and operators of all dangerous waste facilities to keep an inspection log including the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions taken. The log must be kept at that facility for at least five years from the date of inspection.

Count 3a: Failure to inspect all areas with containers of dangerous waste at least weekly

At the time of the inspection, Respondent had not included six 55-gallon accumulation containers of dangerous waste located in five areas of the Facility on the inspection schedule for the Facility and Respondent did not have inspection logs for these containers.

Respondent violated WAC 173-303-630(6) (2014) and failed to satisfy the permit exemption criteria in WAC 173-303-200(1)(b)(i) (2014) when, at the time of the Inspection, Respondent had been omitting six containers of dangerous waste in five areas of the Facility, and Respondent did not have inspection logs for these containers.

Count 3b: Failure to inspect at least weekly all areas with containers of dangerous waste

At the time of the inspection, Respondent's inspection records showed that no inspections occurred at the Facility during the weeks of January 3-9 and 17-23 in 2021 and during the weeks of June 26 through July 2 and December 25-31 in 2022.

Respondent violated WAC 173-303-630(6) (2014) when, during the weeks of January 3-9 and 17-23 in 2021 and the weeks of June 26 through July 2 and December 25-31 in 2022, Respondent failed to conduct a weekly inspection of areas of the Facility where containers of dangerous wastes were stored.

d. ***Count 4: Failure to keep containers of dangerous waste closed.***

WAC 173-303-630(5) (2014) applies to all dangerous waste facilities in Washington that store containers of dangerous waste. WAC 173-303-630(5) (2014) is also among the criteria

an LQG must satisfy to accumulate dangerous waste in containers for up to 90 days without a permit. *See* WAC 173-303-200(1)(b)(i), -630(1) (2014).

WAC 173-303-630(5)(a) (2014) requires owners and operators of all dangerous waste facilities that store containers of dangerous waste to always keep containers holding dangerous waste closed, except when it is necessary to add or remove waste.

Respondent violated WAC 173-303-630(5)(a) (2014) and failed to satisfy the permit exemption criteria in WAC 173-303-200(1)(b)(i) (2014) when, at the time of the Inspection, the Facility had fifteen containers of dangerous waste that were open, at a time when Respondent was not adding or removing waste.

e. ***Count 5: Failure to keep containers of used oil closed.***

WAC 173-303-515 (2014) provides used oil management standards for generators of dangerous waste, in which subparagraph (6)(a)(i) requires that containers of used oil must be closed at all times, except when adding or removing used oil.

At the time of the Inspection, Respondent had two containers of used oil that were open when Respondent was neither adding nor removing used oil, with one container at Dock G and one container at the Axle Weld Booth.

Respondent violated WAC 173-303-515(6)(a)(i) (2014) when, at the time of the Inspection, Respondent had two containers of used oil that were open at the Facility, at a time when Respondent was not adding or removing used oil.

f. ***Count 6: Failure to properly manage universal waste.***

WAC 173-303-573(17)-(27) (2014) contains the requirements for proper management of universal waste by handlers of universal waste.

Respondent is a handler of universal waste. A handler of universal waste may accumulate universal waste for no longer than one year from the date that universal waste was generated or received, unless the additional period of accumulation was solely for the purpose of accumulating such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. WAC 173-303-573(11)(a)-(b), (22)(a)-(b) (2014).

During the Inspection, Respondent had a container of waste lamps in the Spent Lamp Recycling Area of the Facility that was marked with an accumulation start date of July 5, 2022, indicating that universal waste had been accumulating onsite for 409 days, which exceeds one year (365 days), in violation of WAC 173-303-573(22)(a) (2014).

Respondent violated WAC 173-303-573(11)(a) or (22)(a) (2014) when, at the time of the Inspection, Respondent had a container of waste lamps at the Facility that had been onsite for over one year.

g. *Count 7: Failure to properly maintain the facility contingency plan.*

WAC 173-303-350(2) (2014) requires owners and operators of LQGs to have a contingency plan at that facility for use in emergencies or sudden or nonsudden releases which threaten human health and the environment.

WAC 173-303-350(3)(d) (2014) requires a facility contingency plan to include a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator.

WAC 173-303-350(5)(d) (2014) requires owners and operators of LQGs to amend the facility contingency plan whenever the list of emergency coordinators changes.

During the Inspection, the Facility's contingency plan listed the position of Assistant Plant Manager as a person qualified to act as the emergency coordinator, but did not list the name, address, or phone number(s) of the current Assistant Plant Manager

Respondent violated WAC 173-303-350 (2014) when Respondent failed to amend the Facility's contingency plan to include the names, addresses, and phone numbers of all persons qualified to act as the emergency coordinator.

5. In determining the amount of penalty to be assessed, the 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, the EPA has determined and Respondent agrees that an appropriate penalty to settle this action is **\$12,500**. The attached Penalty Calculation Worksheet is incorporated by reference.
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that the 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 Agreement.
7. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of **\$12,500** 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.

8. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 7 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

Christopher Bellovary
U.S. Environmental Protection Agency
Region 10
bellovary.chris@epa.gov

9. 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.
10. 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.
11. Each party shall bear its own costs and fees, if any.
12. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.
13. 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.
14. 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: _____

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: PACCAR Inc., Docket No.: RCRA-10-2025-0054, 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:

Christopher Bellovary
U.S. Environmental Protection Agency
Region 10
bellovary.chris@epa.gov

PACCAR Inc.
c/o Corporation Service Company
300 Deschutes Way, Ste. 208, MC-CSC1
Tumwater, WA 98501

DATED this _____ day of _____, 2025.

Regional Hearing Clerk
EPA Region 10