BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2024-0070
	)	
HILCORP NORTH SLOPE, LLC, PRUDHOE BAY FACILITY	)	**CONSENT AGREEMENT**
	)	
Prudhoe Bay, Alaska,	)	
	)	
Respondent.	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928.

1.2. 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.

1.3. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, the EPA issues, and Hilcorp North Slope, LLC, ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between the EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Background

3.1 In 1976, Congress enacted RCRA, amending the Solid Waste Disposal Act, to regulate hazardous waste management. The Hazardous Waste and Solid Waste Amendments of 1984 (HSWA) provides additional authority under RCRA to regulate hazardous wastes. Under Subtitle C of RCRA, RCRA Section 3001 *et seq.*, 42 U.S.C. § 6921 *et seq.*, the EPA has the authority to identify and list hazardous wastes. RCRA Subtitle C also authorizes the EPA to regulate hazardous waste generators, transporters, exporters, and the owners and operators of hazardous waste treatment, storage, and disposal facilities. The EPA promulgated federal regulations to implement RCRA Subtitle C, which are set forth at 40 C.F.R. Parts 260-270, 273, and 279.

3.2 Pursuant to Section 3001 of RCRA, 42 U.S.C. § 6921, the EPA promulgated regulations to define what materials are "solid wastes," and of these solid wastes, what wastes are "hazardous wastes." These regulations are set forth in 40 C.F.R. Part 261.

3.3 "Solid waste" is defined at 40 C.F.R. § 261.2 to mean any discarded material that is not otherwise excluded by regulation.

3.4 "Discarded material" is defined at 40 C.F.R. § 261.2(a)(2)(i) to mean any material which is abandoned.

3.5 Pursuant to 40 C.F.R. § 261.2(b), materials are solid waste if they are abandoned by being disposed of; or burned or incinerated; or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

3.6 Pursuant to 40 C.F.R. § 261.3, a solid waste is a "hazardous waste" if it is not excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b); and if it exhibits any of the characteristics of hazardous waste in 40 C.F.R. Part 261, Subpart C, or is listed in 40 C.F.R. Part 261, Subpart D.

3.7 "Person" is defined at 40 C.F.R. § 260.10 as an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a state, or any interstate body.

3.8 "Generator" is defined at 40 C.F.R. §§ 260.10 and 273.9 to mean any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261, or whose act first causes a hazardous waste to become subject to regulation.

3.9 "Large quantity generator" is defined at 40 C.F.R. § 260.10 as a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds), of non-acute hazardous waste; or greater than one kilogram (2.2 pounds) of acute hazardous waste listed in 40 C.F.R. § 261.31 or 40 C.F.R. § 261.33(e); or greater than 100 kilograms (220 pounds) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in 40 C.F.R. § 261.31 or 40 C.F.R. § 261.33(e).

3.10 "Facility" is defined at 40 C.F.R. § 260.10 to mean all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

3.11 "Disposal" is defined at 40 C.F.R. § 260.10 as the discharge, deposit, injection, dumping, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

3.12 "Storage" is defined at 40 C.F.R. § 260.10 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.

3.13 "Treatment" is defined at 40 C.F.R. § 260.10 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.

3.14 "Acute hazardous waste" is defined at 40 C.F.R. § 260.10 as hazardous wastes that meet the listing criteria in 40 C.F.R. § 261.11(a)(2) and therefore are either listed in 40 C.F.R. § 261.31 with the assigned hazard code of (H) or are listed in 40 C.F.R. § 261.33(e).

3.15 "Non-acute hazardous waste" is defined at 40 C.F.R. § 260.10 as all hazardous wastes that are not acute hazardous wastes per the above definition.

General Allegations

3.16 Respondent is a corporation organized under the laws of the State of Delaware and authorized to do business in Alaska.

3.17 Respondent is a "person" as defined at Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

3.18 At all times relevant to this Consent Agreement, Respondent has been the "operator" of the Prudhoe Bay Oil Field (the "Facility"), which is a "facility" as those terms are defined at 40 C.F.R. § 260.10.

3.19 At all times relevant to this Consent Agreement, Respondent has operated the Facility as a "large quantity generator" of hazardous waste and a "large quantity handler" of universal waste as those terms are defined at 40 C.F.R. § 260.10.

3.20 At all times relevant to this Consent Agreement, Respondent has operated the Facility as a "healthcare facility" as that term is defined at 40 C.F.R. § 266.500.

3.21 On June 6-7, 2021, authorized representatives of EPA conducted a RCRA compliance inspection ("2021 Inspection") of the Facility.

3.22 On July 10-12, 2023, authorized representatives of EPA conducted a RCRA compliance inspection ("2023 Inspection") of the Facility.

3.23 The Hazardous Waste Management Facility Standardized Permit in effect at the time of the 2021 Inspection was Permit No. AKD 00064 3239, issued to BP (Exploration) Inc., the previous operators of the Facility (the "2009 Permit"). The Respondent began operating the Facility on July 1, 2020.

3.24 The Hazardous Waste Management Facility Standardized Permit in effect at the time of the 2023 Inspection was Permit No. AKD 00064 3239, issued to Hilcorp North Slope, LLC (the "2021 Permit"). The 2021 Permit became effective as of September 30, 2021, and remains in effect until September 30, 2031.

3.25 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $121,275 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

Violation 1: Failure to Make Hazardous Waste Determination

3.26 Paragraphs 3.1 through 3.25 are incorporated herein by reference as if they were set forth here in their entirety.

3.27 Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to RCRA. Pursuant to 40 C.F.R. § 262.11(a), the hazardous waste determination for each solid waste must be made at the point of waste generation. Pursuant to 40 C.F.R. § 262.11(c), if the solid waste is not excluded under 40 C.F.R. § 261.4, "the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of 40 CFR part 261. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin,

composition, the process producing the waste, feedstock, and other reliable and relevant information."

3.28 Pursuant to 40 C.F.R. § 261.24, a solid waste exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure ("TCLP"), the extract from a representative sample of the waste contains any of the contaminants listed in Table 1 of the regulations at the concentration equal to or greater than the stated value in Table 1. A solid waste that contains chromium (EPA Hazardous Waste Number D007) at a concentration greater than or equal to 5.0 mg/L is a hazardous waste.

3.29 During the 2021 Inspection, the EPA observed discarded leather gloves generated by Respondent that the Respondent did not make a hazardous waste determination for in accordance with 40 C.F.R. § 262.11.

3.30 The discarded leather gloves meet the definition of a "solid waste" found in 40 C.F.R. § 261.2.

3.31 The leather gloves meet the definition of a hazardous waste found in 40 C.F.R. § 261.3. Analytical results confirm the leather gloves exceed the TCLP regulatory level for chromium. Therefore, the used leather gloves are hazardous because they exhibit the characteristic for toxicity.

3.32 Respondent did not make a determination as to whether the used leather gloves are a hazardous waste.

3.33 Therefore, Respondent violated 40 C.F.R. § 262.11.

Violation 2: Failure to Send Hazardous Waste to a Designated Facility

3.34 Paragraphs 3.1 through 3.33 are incorporated herein by reference as if they were set forth here in their entirety.

3.35 "Designated facility" is defined at 40 C.F.R. § 260.10 as: (1) a hazardous waste treatment, storage, or disposal facility which has received a permit (or interim status) in accordance with the requirements of 40 C.F.R. Parts 270 and 124, has received a permit (or interim status) from a State authorized in accordance with 40 C.F.R. Part 271, or is regulated under 40 C.F.R. § 261.6(c)(2) or Subpart F of Part 266, and that has been designated on the manifest by the generator pursuant to 40 C.F.R. § 262.20; or (2) a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with 40 C.F.R. §§ 264.72(f) or 265.72(f).

3.36 "Transportation" is defined at 40 C.F.R. § 260.10 as the movement of hazardous waste by air, rail, highway, or water.

3.37 Pursuant to 40 C.F.R. § 262.10(a)(3), a generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility or not otherwise authorized to receive the generator's hazardous waste.

3.38 The Oxbow Landfill is not a "designated facility" as defined at 40 C.F.R. § 260.10, nor is it otherwise allowed to receive hazardous waste pursuant to 40 C.F.R. § 262.10(a)(3).

3.39 On at least three occasions, Respondent offered its hazardous waste leather gloves for transport or otherwise caused the hazardous waste leather gloves to be sent to the Oxbow Landfill.

3.40 Therefore, Respondent violated 40 C.F.R. § 262.10(a)(3).

Violation 3: Failure to Comply with Manifest Requirements

3.41 Paragraphs 3.1 through 3.40 are incorporated herein by reference as if they were set forth here in their entirety.

3.42 Pursuant to 40 C.F.R. § 262.20(a)(1), a generator that offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A. 40 C.F.R. § 262.20(b) requires a generator to designate on the manifest one facility which is permitted to handle the waste described on the manifest.

3.43 At the time of the 2021 and 2023 Inspections, Respondent was not preparing a Manifest (OMB Control Number 2050-0039) on EPA Form 8700-22 for the hazardous waste leather gloves that were sent off-site for treatment, storage, or disposal.

3.44 Therefore, Respondent violated 40 C.F.R. § 262.20(a)(1).

Violation 4: Storage of Hazardous Waste Without a Permit

3.45 Paragraphs 3.1 through 3.44 are incorporated herein by reference as if they were set forth here in their entirety.

3.46 Section 3005 of RCRA, 42 U.S.C. § 6925, prohibits the treatment, storage, or disposal of hazardous waste without a permit or interim status, and the regulation at 40 C.F.R. § 270.1 requires a RCRA permit for the treatment, storage, or disposal of any hazardous waste identified or listed in 40 C.F.R. Part 261, unless all of the necessary conditions for exemption are met.

3.47 Neither the 2009 Permit nor the 2021 Permit address the management of hazardous waste in satellite accumulation areas ("SAAs").

3.48 The term "storage" is defined at Section 1004(33) of RCRA, 42 U.S.C. § 6903(33) to mean "the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste."

Failure to Place Waste in Satellite Accumulation Area ("SAA") Container

3.49 Pursuant to 40 C.F.R. § 262.15(a)(1), a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where the waste initially accumulated, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, provided that all conditions for exemption under 40 C.F.R. § 262.15 are met.

3.50 During the 2021 Inspection of the Hovercraft Hanger, the EPA inspection observed waste meeting the definitions of a solid waste and a hazardous waste found in 40 C.F.R. 260.10 that were not being managed in accordance with 40 C.F.R. § 262.15: Four aerosol cans that were not placed in the SAA container.

Failure to Mark or Label Hazardous Waste SAA Container

3.51 Pursuant to 40 C.F.R. § 262.15(a)(5), one of the conditions for exemption requires Respondent to label each container with a label meeting the requirements of that clause.

3.52 During the 2021 Inspection of the Gathering Center 3 (GC3)/Skid 7, the EPA inspector observed hazardous wastes that were not labeled in accordance with 40 C.F.R. § 262.15(a)(5): solvent rags and approximately twenty waste aerosol cans inside an SAA container.

3.53 During the 2023 Inspection, the EPA inspector observed the following SAA containers storing hazardous wastes that were not being managed in accordance with 40 C.F.R. § 262.15(a)(5):

i. One, 15-gallon container at STP;

ii. One, 15-gallon container at Flow Station 2;

iii. One, 55-gallon container at L Pad; and

iv. Two, 15-gallon containers at Flow Station 3.

3.54 At no time relevant to this Consent Agreement did Respondent have a permit or interim status to store, treat, or dispose of hazardous waste in SAA containers at the Facility. Therefore, in each of the instances described in Paragraphs 3.52 and 3.53, conditions for exemption under 40 C.F.R. § 262.15 were not satisfied and therefore, Respondent stored and treated hazardous waste at the Facility without a permit or interim status in violation of 40 C.F.R. § 270.1.

Violation 5: Failure to Comply with Universal Waste Management Requirements

3.55 Paragraphs 3.1 through 3.54 are incorporated herein by reference as if they were set forth here in their entirety.

3.56 "Universal waste" is defined at 40 C.F.R. §§ 260.10 and 273.9 to mean hazardous wastes that are managed under the universal waste requirements of 40 C.F.R. Part 273: Batteries as described in 40 C.F.R. § 273.2, and Lamps as described in 40 C.F.R. § 273.5.

3.57 "Universal waste handler" is defined at 40 C.F.R. § 273.9 to mean a generator of universal waste; or the owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and

sends universal waste to another universal waste handler, to a designation facility, or to a foreign destination.

3.58 "Large quantity handler of universal waste" is defined at 40 C.F.R. § 273.9 to mean a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000-kilogram limit is met or exceeded.

3.59 In accordance with 40 C.F.R. § 273.1, generators of universal waste batteries and lamps that are hazardous may manage the waste in accordance with the Universal Waste standards in 40 C.F.R. Part 273 in lieu of 40 C.F.R. Parts 260 through 272.

3.60 "Container" is defined at 40 C.F.R. §§ 260.10, 273.9, and 279.1 as any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

3.61 "Battery" is defined at 40 C.F.R. § 273.9 to mean a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term "battery" also includes an intact, unbroken battery from which the electrolyte has been removed.

3.62 In accordance with 40 C.F.R. § 273.34(a), a large quality handler of universal waste who accumulates universal waste batteries must label or mark each universal waste battery or a container which the batteries are contained with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

3.63 "Lamp," also referred to as a "universal waste lamp" is defined at 40 C.F.R. § 273.9 to mean the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

3.64 Pursuant to 40 C.F.R. § 273.33(d)(1), a large quantity handler of universal waste must contain any lamp in containers or packages that are structurally 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 reasonably foreseeable conditions.

Count 1: Failure to Label Universal Waste Batteries

3.65 During the 2021 Inspection of the Central Power Station – Hallway 128, the EPA inspector observed the following universal waste meeting the definition of universal waste battery found in 40 C.F.R. §§ 273.9 and 273.2 and subject to the universal waste requirements of 40 C.F.R. Part 273:

i. Three NiCad batteries;

ii. One fluorescent light ballast that contained a NiCad battery; and

iii. Four lithium batteries.

3.66 During the 2023 Inspection of the Flow State 2, the EPA inspection observed an unlabeled universal waste battery meeting the definition of universal waste battery found in 40 C.F.R. §§ 273.9 and 273.2 and subject to the universal waste requirements of 40 C.F.R. Part 273.

3.67 The universal waste batteries were managed by Respondent but not in accordance with the requirements set forth in 40 C.F.R. § 273.34(a) because the universal waste batteries were not properly labeled.

3.68 Therefore, Respondent violated 40 C.F.R. § 273.34(a).

Count 2: Failure to Close Universal Waste Lamp Container

3.69 During the 2021 Inspection of the U11 Instrumental and Electrical SAA, the EPA inspector observed a universal waste meeting the definition of universal waste lamps found in 40 C.F.R. §§ 273.9 and 273.5 and subject to the universal waste requirements of 40 C.F.R. Part 273 stored in a universal waste lamp container.

3.70 The universal waste lamp was managed by Respondent but was not managed in accordance with the requirements set forth in 40 C.F.R. § 273.33(d)(1): the lid of the container containing the universal waste lamps was not placed on the container properly, leaving an open gap at the top of the container.

3.71 Therefore, Respondent violated 40 C.F.R. § 273.22(d)(1).

Violation 6: Failure to Label Used Oil Container with the Words "Used Oil"

3.72 Paragraphs 3.1 through 3.71 are incorporated herein by reference as if they were set forth here in their entirety.

3.73 "Used oil" is defined at 40 C.F.R. §§ 260.10 and 279.1 as any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

3.74 "Used oil generator" is defined at 40 C.F.R. §§ 260.10 and 279.1 means any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation. 40 C.F.R. Part 279, Subpart C applies to all used oil generators.

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

3.76 During the 2021 Inspection of the Hovercraft Hanger, the EPA inspector observed an unlabeled 250-gallon steel tote holding used oil meeting the definition found in 40 C.F.R. § 279.1 that was not labeled or marked with the words "Used Oil."

3.77 Therefore, Respondent violated 40 C.F.R. § 279.22(c)(1).

Violation 7: Failure to Train Personnel

3.78 Paragraphs 3.1 through 3.77 are incorporated herein by reference as if they were set forth here in their entirety.

3.79 2009 Permit Condition III.E states that Respondent must comply with the training requirements of 40 C.F.R. § 267.16.

3.80 "Facility personnel" is defined at 40 C.F.R. § 260.10 to mean all persons who work at, or oversee the operations of, a hazardous waste facility.

3.81 Pursuant to 40 C.F.R. § 267.16(a), facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 40 C.F.R. Part 267.

3.82 Pursuant to 40 C.F.R. § 267.16(b), facility personnel must successfully complete the program required by 40 C.F.R. § 267.16(a) within six months after the date of their employment or assignment to a facility, whichever is later. Employees hired after the effective date of a

standardized permit must not work in unsupervised positions until they have completed their training requirements.

3.83 Pursuant to 40 C.F.R. § 267.16(c), facility personnel must take part in an annual review of the initial training required by 40 C.F.R. § 267.16(a).

3.84 After the 2021 Inspection, the EPA inspector reviewed the training records for the Operators in Charge (OICs) at the various SAAs, universal waste accumulation areas (UAAs), and recycling accumulation areas (RAAs). The inspector found that ten OICs and four alternate OICs had not completed the training requirements set forth in 40 C.F.R. § 267.16(a) because they had no documented training.

3.85 After the 2021 Inspection, the EPA inspector found 79 OIC and 19 alternate OIC trainings were not completed in accordance with 40 C.F.R. § 267.16(c) because they had not completed their annual review of the initial training.

3.86 Therefore, Respondent violated the requirements of Permit No. AKD 00064 3239, Condition III.E.

Violation 8: Failure to Update the Contingency Plan

3.87 Paragraphs 3.1 through 3.87 are incorporated herein by reference as if they were set forth here in their entirety.

3.88 2009 Permit Condition III.I states the Respondent shall have a contingency plan and emergency procedure meeting the applicable requirements of 40 C.F.R. Part 267.

3.89 A "contingency plan" is defined at 40 C.F.R. § 260.10 to mean a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire,

explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

3.90 Pursuant to 40 C.F.R. § 267.54(d), a contingency plan must be reviewed and immediately amended, if necessary, whenever, "the list of emergency coordinators changes."

3.91 After the 2021 Inspection, the EPA inspector found the following personnel changes were not reflected in the contingency plan:

i. Larry Raburn was the previous waste coordinator. He was retired but was still listed as an alternate emergency coordinator.
ii. Matt Laskey was the previous waste technician. He became the new waste coordinator after Larry Raburn's retirement.
iii. Jeff Shannon was the current waste technician but is not listed on the contingency plan. He was hired to fill Matt Laskey's vacancy.

3.92 Therefore, Respondent violated the requirements of Permit No. AKD 00064 3239, Condition III.I.

Violation 9: Failure to Notify as a Healthcare Facility

3.93 Paragraphs 3.1 through 3.93 are incorporated herein by reference as if they were set forth here in their entirety.

3.94 "Healthcare facility," as defined at 40 C.F.R. § 266.500, "means any person that is lawfully authorized to: (1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (2) Distribute, sell, or dispense

pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals."

3.95 In accordance with 40 C.F.R. § 266.501(d), a healthcare facility is subject to 40 C.F.R. §§ 266.502 and 505 through 508 in lieu of 40 C.F.R. Parts 262 through 265, with respect to the management of non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals if they are not destined for a reverse distributor.

3.96 Pursuant to 40 C.F.R. § 266.502(a)(1)(i), a healthcare facility that already has an EPA identification number must notify the EPA Regional Administrator using the Site Identification Form (EPA Form 8700-12) that it is a healthcare facility operating under Subpart P of 40 C.F.R. § 266 either as part of its next Biennial Report, or within 60 days of becoming subject to Subpart P.

3.97 Respondent did not notify the EPA Regional Administrator that it operated a healthcare facility, as that term is defined at 40 C.F.R. § 266.500, within 60 days of becoming subject to Subpart P of 40 C.F.R. Part 266. Respondent was required to submit EPA Form 8700-12 by September 1, 2020, and did not do so until August 24, 2021.

3.98 Therefore, Respondent violated 40 C.F.R. § 266.502(a)(1)(i).

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations and conclusions contained in this Consent Agreement.

4.3. 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 determined, and Respondent agrees, that an appropriate penalty to settle this action is $223,868 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days after the date the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: www.epa.gov/financial/makepayment. Payments made by check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

Address format for standard delivery (no delivery confirmation requested):	*Address format for signed receipt confirmation (FedEx, DHL, UPS, USPS certified, registered, etc.):*
U.S. Environmental Protection Agency P.O. Box 979078 St. Louis, MO 63197-9000	U.S. Environmental Protection Agency Government Lockbox 979078 3180 Rider Trail S. Earth City, MO 63045

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

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 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

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

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owning. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

a. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order attached herein, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order attached herein.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of $15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underling penalty first becomes past due.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective action within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. Based on the findings contained in this Consent Agreement, Respondent is also ordered to comply with the following requirements pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a):

a. Respondent shall manage waste leather gloves as hazardous waste unless and until a new hazardous waste determination demonstrates that a leather gloves waste stream does not need to be managed as hazardous waste. For each new hazardous waste determination that Respondent makes after the effective date of this Final Order, Respondent shall submit to the EPA within 90 days all records supporting the hazardous waste determination.

b. On December 31, 2024, June 30, 2025, and December 31, 2025, Respondent must submit to the EPA a report of all discarded leather gloves Respondent offered for

transport or transported for the purposes of storage, treatment, or disposal during the preceding six months. The report must contain:

i. The dates Respondent offered for transport or transported discarded leather gloves;

ii. The quantity, volume, and weight of each container of discarded leather gloves on each date;

iii. The name, street address, and EPA Identification Number of the designated facility or facilities to which the leather gloves were transported on each date; and

iv. Copies of each "Generator Copy" and "Designated Facility to Generator" Manifests documenting the transport of leather gloves.

c. Notwithstanding the requirements in Paragraph 4.10.b., if Respondent does not offer for transport or transport any discarded leather gloves during a six-month period preceding the dates in Paragraph 4.10.b., Respondent shall submit a report to the EPA stating that Respondent did not offer for transport nor transport any discarded leather gloves during the applicable six-month period.

d. Respondent shall include the following signed certification with all submissions required by this Final Order: "I certify under penalty of law that these documents and all attachments are true, accurate, and complete."

4.11. Respondent shall provide compliance documentation required by this order to the following address:

Xiangyu Chu
U.S. Environmental Protection Agency

Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Chu.xiangyu@epa.gov

4.12. The Assessed Penalty, including any additional costs incurred under Paragraph 4.8 and 4.9, represents an administrative civil penalty assessed by the EPA and shall not be deductible for purposes of federal taxes.

4.13. 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 Services ("IRS") annually, a completed IRS 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 e-mail its completed Form W-9 to the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed. The EPA recommends encrypting IRS Form W-9 e-mail correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA's Cincinnati Finance Center with Respondent's TIN via e-mail within 5 days of Respondent's receipt of a TIN issued by the IRS.

4.14. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.15. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.16. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in the Consent Agreement and to appeal the Final Order.

4.17. Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of

fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.18. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.19. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this Consent Agreement, and to any stated permit action.

4.20. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED: _____

FOR RESPONDENT:

Denali Kemppel (3530)

Digitally signed by Denali Kemppel (3530)
DN: cn=Denali Kemppel (3530)
Date: 2024.09.30 08:19:05 -08'00'

DENALI KEMPPEL, Assistant Secretary
Hilcorp North Slope, LLC

FOR COMPLAINANT:

EDWARD KOWALSKI

Digitally signed by EDWARD KOWALSKI
Date: 2024.09.30 12:07:06 -07'00'

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2024-0070
	)	
HILCORP NORTH SLOPE, LLC, PRUDHOE BAY FACILITY,	)	**FINAL ORDER**
	)	
Prudhoe Bay, Alaska	)	
	)	
Respondent.	)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by the EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall 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. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Mednick, Richard

Digitally signed by Mednick, Richard
Date: 2024.09.30 14:47:32 -07'00'

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Hilcorp North Slope, LLC, Docket No.: RCRA-10-2024-0070**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Rachel M. Breslin
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Breslin.rachel@epa.gov

Denali Kemppel
Assistant Secretary
Hilcorp North Slope, LLC
3800 Centerpoint Drive, #1400
Anchorage, Alaska 99503
dkemppel@hilcorp.com

SALEE PORTER
Digitally signed by SALEE PORTER
Date: 2024.09.30 15:19:24 -07'00'

Regional Hearing Clerk
EPA Region 10