



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 24, 2021

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mr. Eric Gerstenberg
President
Safety-Kleen Systems, Inc.
633 East 138th Street
Dolton, Illinois 60419
gerstenberge@cleanharbors.com

Re: ~~Compliance~~ ^{Consent} Agreement and Final Order
Safety-Kleen Systems, Inc.
Docket No: **RCRA-05-2021-0033**

Dear Mr. Gerstenberg:

Attached please find a copy of the signed, fully executed ~~Compliance~~ ^{Consent} Agreement and Final Order (CAFO) in resolution of the above case. The original was filed with the Regional Hearing Clerk on June 24, 2021.

Please pay the civil penalty in the amount of \$350,000 in the manner described in paragraph 92 of the CAFO, and in the comment or description field of the electronic funds transfer, include the docket number RCRA-05-2021-0033. The payment is due within thirty (30) calendar days of the effective date of the CAFO.

Thank you for your cooperation in resolving this matter.

If you have any questions or concerns regarding this matter, please contact Jamie Paulin, of my staff, at 312-886-1771, or paulin.jamie@epa.gov.

Sincerely,

Cunningham, Michael
Digitally signed by
Cunningham, Michael
Date: 2021.06.14
21:10:02 -05'00'

Michael Cunningham, Chief
RCRA Compliance Section 1

Enclosure

cc: Mr. James M. Jennings, Illinois EPA (james.m.jennings@illinois.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. RCRA-05-2021-0033
)	
Safety-Kleen Systems, Inc.)	Proceeding to Commence and Conclude
633 East 138th Street)	an Action to Assess a Civil Penalty
Dolton, Illinois)	Under Section 3008(a) of the Resource
)	Conservation and Recovery Act,
U.S. EPA ID: ILD 980 613 913)	42 U.S.C. § 6928(a)
)	
Respondent.)	
<hr/>)	

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. U.S. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

4. Respondent is Safety-Kleen Systems, Inc., a corporation doing business in the State of Illinois.

5. Where the parties agree to settle one or more causes of action before the filing of a

complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

Statutory and Regulatory Background

11. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007 and 3013, among others, of RCRA, 42 U.S.C. §§ 6921-6927 and 6923.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions.

13. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA, 42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006

of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

14. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 *Fed. Reg.* 3778 (January 31, 1986).

15. Sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, directed U.S. EPA to promulgate regulations governing generators of hazardous waste and facilities that treat, store or dispose of hazardous waste, and governing the owners and operators of such facilities. Pursuant to sections 3002 and 3004 of RCRA, 42 U.S.C. §§ 6922 and 6924, U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators of hazardous waste, and facilities that treat, store or dispose of hazardous waste, and governing the owners and operators of such facilities. The federally-authorized Illinois regulations that govern generators of hazardous waste are codified at 35 Ill. Adm. Code Part 722. The federally-authorized Illinois regulations that govern facilities that treat, store or dispose of hazardous waste, and that govern the owners and operators of such facilities, are codified at 35 Ill. Adm. Code Part 724 (Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities) and 35 Ill. Adm. Code Part 725 (Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities).

16. Section 3005 of RCRA, 42 U.S.C. § 6925, directed U.S. EPA to promulgate regulations prohibiting the treatment, storage, or disposal of hazardous waste except in accordance with a permit, and requiring each person owning or operating a facility at which hazardous waste is treated, stored or disposed (TSD facility) to have a permit issued by U.S.

EPA or the authorized state, or to have interim status under Section 3005(e) of RCRA, 42 U.S.C. § 6925(e).

17. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), U.S. EPA has promulgated regulations at 40 C.F.R. Part 270 that establish permitting requirements and procedures.

18. The federally-authorized Illinois regulations that govern (in lieu of analogous federal regulations) the issuance of hazardous waste permits are codified at 35 Ill. Adm. Code Part 703.

19. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period, or both. The Administrator of U.S. EPA may assess a civil penalty of up to \$102,638 per day for each violation of Subtitle C of RCRA that occurred after November 2, 2015 pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

20. Respondent is a “person” as defined by 35 Ill. Adm. Code § 720.110 and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

21. Respondent is the “owner” and “operator,” as those terms are defined under 35 Ill. Adm. Code § 720.110, of a facility located at 633 East 138th Street, Dolton, Illinois (Facility), with operations that include the treatment and storage of hazardous waste.

22. At all times relevant to this CAFO, Respondent’s Facility consisted of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

23. Respondent’s Facility is a “facility” as that term is defined under 35 Ill. Adm. Code § 720.110.

24. At the Facility, Respondent conducts organic chemical and solvent recycling services, solvent reclamation, waste management operations, including consolidation and bulking for treatment, wastewater treatment and discharge, and hazardous waste shipment off-site as fuel for cement kilns or incineration.

25. Respondent's Facility has been in operation since at least December 20, 1980.

26. On or about September 23, 1981, Respondent submitted a Hazardous Waste Notification to EPA for the Facility.

27. Respondent's Facility is, and was at all times relevant to this CAFO, a treatment, storage, and/or disposal facility (TSDF), with a hazardous waste permit, (permit number ILD 980 613 913 (the "Permit" or "Facility Permit"). Except where otherwise noted, all references to Permit provisions in this CAFO are to the provisions of the Permit in effect at the time of U.S. EPA's April 22 – May 1, 2019 inspection. In September 2019, Illinois EPA issued a second renewal of the Permit.

28. On April 22, 2019 through May 1, 2019, U.S. EPA conducted a compliance evaluation inspection at the Facility (April 2019 Inspection).

29. On November 19, 2019, U.S. EPA conducted a follow-up inspection at the Facility (November 2019 Inspection).

30. At all times relevant to this CAFO, Respondent received shipments of organic waste corrosive liquid (the "corrosive liquid waste"). Uniform hazardous waste manifests associated with the shipments of the corrosive liquid waste designated the waste as "D002" (corrosive) hazardous waste.

31. At all times relevant to this CAFO, Respondent processed the corrosive liquid waste in thin film evaporators referred to in the Permit as LUWA Thin-Film Evaporator #2 and LUWA

Thin-Film Evaporator #3.

32. At all times relevant to this CAFO, Respondent received shipments of aqueous brake cleaner (ABC) in plastic containers. Respondent used a vat with three compartments for processing the ABC. Respondent used the first compartment to empty the containers of their contents. Respondent rinsed the plastic container with a hand sprayer and emptied the contents into the second compartment of the vat. Respondent used the third compartment for additional rinsing with city water. Respondent pumped the contents of the three compartments (the “ABC waste”) into a tote and marked the tote as a non-hazardous waste.

33. At all times relevant to this CAFO, Respondent held the ABC waste, a discarded material, for temporary periods in totes before the material was shipped from the Facility for treatment, storage, or disposal elsewhere.

34. At the time of the April 2019 Inspection, a sample of Respondent’s ABC waste showed a toxic characteristic leaching protocol (TCLP) extract concentration of 25.4 mg/L for tetrachloroethylene, which is above the hazardous waste characteristic limit of 0.7 mg/L for tetrachloroethylene, indicating Respondent’s ABC waste is a characteristic hazardous waste.

35. At all times relevant to this CAFO, Respondent operated a machine called a “shredder” at the Facility. The shredder processes containers of ABC, along with other waste streams (the “shredder waste”). The shredder is seven stories tall. A conveyor belt brings containers of waste inside the unit to the shredder’s cutting teeth. Waste liquids are spun off and sent to a hydropulper prior to being pumped to storage tanks. Waste solids “drop out” and are collected as solid hazardous waste in collection totes.

36. At all times relevant to this CAFO, Respondent’s corrosive liquid waste, ABC waste, and shredder waste were each a “solid waste” as that term is defined under 35 Ill. Adm.

Code § 721.102.

37. At all times relevant to this CAFO, Respondent's solid waste was a "hazardous waste" as that term is defined under 35 Ill. Adm. Code § 721.103.

38. Respondent stored, transported, disposed of, or otherwise handled its hazardous waste in "containers" and in "tanks" as those terms are defined under 35 Ill. Adm. Code § 720.110.

39. At all times relevant to this CAFO, Respondent's holding of hazardous waste in containers and in tanks constituted hazardous waste "storage," as that term is defined under 35 Ill. Adm. Code § 720.110.

40. Respondent is a "generator," as that term is defined in 35 Ill. Adm. Code § 720.110.

41. The Facility was generating and managing hazardous waste at the Facility after November 19, 1980.

42. On May 11, 2020, U.S. EPA issued a Notice of Violation (NOV) to Respondent alleging violations of RCRA discovered during the April 2019 Inspection and the November 2019 Inspection.

43. On June 15, 2020, Respondent submitted to U.S. EPA a written response to the NOV.

44. On September 9, 2020, U.S. EPA issued a Request for Information.

45. On November 20, 2020, Respondent submitted a written response to the Request for Information.

46. On January 15, 2021, U.S. EPA issued a Notice of Intent to File a Civil Administrative Complaint to Respondent alleging violations of RCRA discovered during the April 2019 and November 2019 Inspections.

Count 1: Unauthorized Treatment of Hazardous Waste

47. Complainant incorporates paragraphs 1 through 46 of this CAFO as though set forth in this paragraph.

48. Pursuant to Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

49. At the time of the April 2019 Inspection, Respondent had a RCRA permit, but the Permit did not authorize Respondent to treat hazardous waste in LUWA Thin-Film Evaporator #2 and LUWA Thin-Film Evaporator #3.

50. Pursuant to Permit Condition III.B.2.b of the Permit, Respondent “shall not operate the miscellaneous units identified in Condition III(A)(7, 8, 9 and 10) as a hazardous waste management unit without demonstrating to the Illinois EPA the unit in question meets the design and operating requirements of 35 Ill. Adm. Code Part 724 and the Illinois EPA has authorized the operation through a Class 1 modification request.”

51. The miscellaneous unit identified in Condition III(A)(9) of the Permit is LUWA Thin-Film Evaporator #2. The miscellaneous unit identified in Condition III(A)(10) of the Permit is LUWA Thin-Film Evaporator #3.

52. At the time of the April 2019 Inspection, Respondent treated hazardous waste in LUWA Thin-Film Evaporator #2 and LUWA Thin-Film Evaporator #3.

53. Respondent’s unauthorized treatment of hazardous waste violated Condition III.B.2.b of the Permit and Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

Count 2: Failure to Close Hazardous Waste Storage Containers

54. Complainant incorporates paragraphs 1 through 46 of this CAFO as though set forth in this paragraph.

55. Pursuant to Condition IX.61.2 of the Permit, Respondent must comply with the operating record requirements of 35 Ill. Adm. Code § 724.273, which states a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

56. At the time of the November 2019 Inspection, two tote containers storing hazardous waste, collected from the shredder operation, were open when waste was not being added to or removed from the containers, and when the shredder was not in operation.

57. Respondent's failure to keep two tote containers storing hazardous waste, collected from the shredder operation, closed when waste was not being added to or removed from the containers, when the shredder was not in operation, violated Condition IX.61.2¹ of the Permit and 35 Ill. Adm. Code § 724.273.

Count 3: Failure to Identify Hazardous Waste Storage Container Contents and Date of Accumulation

58. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

59. Pursuant to Condition IX.61.1 of the Permit and 35 Ill. Adm. Code § 722.134, Respondent must clearly mark each container storing hazardous waste to identify its contents and with the date each period of accumulation begins.

60. At the time of the November 2019 Inspection, Respondent had not marked two tote

¹ In the current version of the Permit, this requirement is found at Condition 62.b.

containers storing hazardous waste collected from the shredder operation to identify the contents.

61. At the time of the November 2019 Inspection, Respondent had not marked two tote containers storing hazardous waste collected from the shredder operation with the dates when each period of accumulation began.

62. Respondent's failure to mark two tote containers storing hazardous waste collected from the shredder operation to identify the contents or with the dates when each period of accumulation began violated Condition IX.61.1² and 35 Ill. Adm. Code § 722.134.

Count 4: Failure to Maintain No Detectable Emissions

63. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

64. Pursuant to 35 Ill. Adm. Code §§ 724.984(g) and 724.934(c), owners and operators of hazardous waste treatment, storage, and disposal facilities that control air pollutant emissions from a tank by venting the tank to a control device must equip each opening in the fixed roof not vented to the control device with a closure device designed to operate with no detectable organic emissions.

65. At the time of the April 2019 Inspection, readings at openings on eight hazardous waste tanks (tanks 47, 48, 49, 82, 87, 133, 134, and 138) operated by Respondent were above the 500-ppm differential threshold.

66. Respondent's failure to operate eight hazardous waste tanks with no detectable organic emissions, having readings above the 500-ppm differential threshold, violated 35 Ill. Adm. Code §§ 724.984(g) and 724.934(c).

² In the current version of the Permit, this requirement is found at Condition 62.a.

Count 5: Failure to Equip Open-Ended Valves or Lines

67. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

68. Pursuant to 35 Ill. Adm. Code § 724.956(a)(1), owners and operators of hazardous waste treatment, storage, and disposal facilities must keep each open-ended valve or line equipped with a cap, blind flange, plug, or a second valve.

69. At the time of the April 2019 Inspection, three open-ended lines, operated by Respondent, were not equipped with a cap, blind flange, plug, or a second valve.

70. At the time of the November 2019 Inspection, one open-ended valve, operated by Respondent, was not equipped with a cap, blind flange, plug, or a second valve.

71. Respondent's failure to keep open-ended valves or lines equipped with a cap, blind flange, plug, or a second valve violated 35 Ill. Adm. Code § 724.956(a)(1).

Count 6: Failure to Equip Tanks with a Fixed Roof Design

72. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

73. Pursuant to 35 Ill. Adm. Code § 724.984(c), owners and operators of hazardous waste treatment, storage, and disposal facilities that control air emissions from a tank using Tank Level 1 controls must equip tanks with a fixed roof design where all openings in the fixed roof or any manifold system associated with the fixed roof is equipped with a closure device designed to operate so that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device.

74. At the time of the April 2019 Inspection, Respondent did not equip the drain box in

Tank Farm 8, a tank having a fixed roof design, with a closure device secured in the closed position with no visible cracks, holes, gaps, or other open spaces.

75. At the time of the November 2019 Inspection, Respondent did not equip the same drain box in Tank Farm 8, a tank having a fixed roof design, with a closure device secured in the closed position with no visible cracks, holes, gaps, or other open spaces.

76. Respondent's failure to keep a tank having a fixed roof design with a closure device secured in the closed position with no visible cracks, holes, gaps, or other open spaces, violated 35 Ill. Adm. Code § 724.984(c).

Count 7: Failure to Make a Hazardous Waste Determination

77. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

78. Under 35 Ill. Adm. Code § 722.111, a person that generates solid waste must make an accurate determination as to whether the waste is hazardous.

79. At the time of the April 2019 Inspection, Respondent did not make an accurate determination as to whether the ABC waste was hazardous.

80. At the time of the November 2019 Inspection, material was located on the floor in the shredder area of the shredder building of the Facility.

81. At the time of the November 2019 Inspection, Respondent did not make an accurate determination as to whether the material that was located on the floor in the shredder area of the shredder building of the Facility was hazardous.

82. Respondent's failure to make an accurate determination as to whether the ABC waste or the spilled material was hazardous violated 35 Ill. Adm. Code § 722.111.

Count 8: Failure to Transport Hazardous Waste with a Manifest or an E-Manifest

83. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

84. Under 35 Ill. Admin. Code § 722.120(a), a generator that transports hazardous waste for off-site treatment, storage, or disposal must prepare a manifest or an E-manifest.

85. At the time of the April 2019 Inspection, Respondent was a generator of hazardous waste, because EPA testing found that the ABC waste was a characteristic hazardous waste for tetrachloroethylene. Respondent did not use a manifest or an E-manifest to ship the ABC waste for wastewater treatment and shipped the waste as nonhazardous.

86. Respondent's failure to prepare a manifest or an E-manifest for transport of hazardous waste for off-site treatment, storage, or disposal violated 35 Ill. Adm. Code § 722.120(a).

Count 9: Failure to Label with the Applicable USDOT Regulations

87. Complainant incorporates paragraphs 1 through 46 of this Complaint as though set forth in this paragraph.

88. Under 35 Ill. Adm. Code § 722.131, before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable USDOT regulations on hazardous materials under 49 CFR § 172 (Hazardous_Materials Table, Special Provisions, Hazardous Materials Communications, Emergency_Response Information, and Training Requirements), incorporated by reference in 35 Ill. Adm. Code § 720.111(b).

89. At the time of the April 2019 Inspection, Respondent failed to label each shipping package of the ABC hazardous waste in accordance with USDOT regulations for shipment of the hazardous waste for wastewater treatment and shipped the waste as non-hazardous.

90. Respondent's failure to label each package of ABC hazardous waste in accordance

with the applicable USDOT regulations on hazardous materials violated 35 Ill. Adm. Code § 722.131.

Civil Penalty

91. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$350,000. In determining the penalty amount, Complainant considered the above Factual Allegations, the seriousness of the violation, any good faith efforts to comply with the applicable requirement, and other factors as justice may require. Complainant also considered U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

92. Within 30 days after the effective date of this CAFO, Respondent must pay a \$350,000 civil penalty for the RCRA violation by sending funds electronically, payable to "Treasurer, United States of America," and to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

93. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Or via email at whitehead.ladawn@epa.gov

Jamie Paulin (ECR-17J)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Or via email at paulin.jamie@epa.gov

Christopher Grubb (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
Or via email at grubb.christopher@epa.gov

94. This civil penalty is not deductible for federal tax purposes.

95. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

96. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

97. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: grubb.christopher@epa.gov (for Complainant), and fitzpatrick.timmery@cleanharbors.com (for Respondent).

98. Respondent's full compliance with this CAFO shall only resolve Respondent's

liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in this CAFO.

99. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 – 6992k, its RCRA permit # ILD 980 613 913, and the regulations at 35 Ill. Adm. Code Parts 720 – 729.

100. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

101. This CAFO does not affect Respondent’s responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

102. This CAFO is a “final order” for purposes of 40 C.F.R. § 22.31, U.S. EPA’s RCRA Civil Penalty Policy, and U.S. EPA’s Hazardous Waste Civil Enforcement Response Policy (December 2003).

103. The terms of this CAFO bind Respondent, its successors, and assigns.

104. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

105. Each party agrees to bear its own costs and attorney’s fees in this action.

106. This CAFO constitutes the entire agreement between the parties.

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In the Matter of:
Safety-Kleen Systems, Inc.
Docket No. RCRA-05-2021-0033

Safety-Kleen systems, Inc., Respondent

6/9/21
Date


Eric Gerstenberg, President
Safety-Kleen Systems, Inc.

United States Environmental Protection Agency, Complainant

6/22/21
Date

MICHAEL HARRIS
Digitally signed by
MICHAEL HARRIS
Date: 2021.06.22
11:25:45 -05'00'


Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Safety-Kleen Systems, Inc.
Docket No. RCRA-05-2021-0033

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

**ANN
COYLE**

 Digitally signed by
ANN COYLE
Date: 2021.06.24
10:36:17 -05'00'

Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the Matter of:
Safety-Kleen Systems, Inc.
Docket No. RCRA-05-2021-0033

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Compliance Agreement and Final Order**, docket number **RCRA-05-2021-0033**, which was filed on **June 24, 2021**, in the following manner to the following addressees:

Copy by e-mail to Respondent: Safety-Kleen Systems, Inc. c/o
Timmery Fitzpatrick
fitzpatrick.timmery@cleanharbors.com

Copy by e-mail to Attorney for Respondent: Timmery Fitzpatrick
fitzpatrick.timmery@cleanharbors.com

Copy by e-mail to Attorney for Complainant: Christopher Grubb
grubb.christopher@epa.gov

Copy by e-mail to Technical Contact for Complainant: Jamie Paulin
paulin.jamie@epa.gov

Copy by e-mail to Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: _____

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5