



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 24 2013

HAND DELIVERY

Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: **In the Matter of Safety-Kleen Systems, Inc.**
U.S. EPA Docket No. EPCRA-03-2014-0013

Dear Ms. Guy:

Enclosed please find the original and one copy of Consent Agreement and Final Order, along with a certificate of service.

Sincerely yours,

A handwritten signature in cursive script that reads "Cynthia T. Weiss".

Cynthia T. Weiss
Senior Assistant Regional Counsel

Enclosures

cc: Timmery Donahue, Esq.
Perry Pandya (3HS61)
Jack Rozman, Pennsylvania Emergency Management Agency
Sue Dudek, Bucks County Emergency Planning Committee

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Customer Service Hotline: 1-800-438-2474*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 24 2013

VIA CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

Timmery Donahue, Esquire
Clean Harbors Environmental Services
42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

Re: **In the Matter of Safety-Kleen Systems, Inc.**
U.S. EPA Docket No. EPCRA-03-2014-0013

Dear Timmery:

Enclosed please find a copy of Consent Agreement and Final Order, which has been filed with the Regional Hearing Clerk today.

Sincerely yours,

A handwritten signature in cursive script that reads "Cynthia T. Weiss".

Cynthia T. Weiss
Senior Assistant Regional Counsel

Enclosure
cc: Perry Pandya (3HS61)

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Customer Service Hotline: 1-800-438-2474*





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

RECEIVED
2013 DEC 24 PM 12:38
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

| | | |
|-------------------------------------|---|--|
| In the Matter of |) | U.S. EPA Docket No.: EPCRA-03-2014- |
| |) | 0013 |
| Safety-Kleen Systems, Inc. |) | |
| 2600 North Central Expressway |) | |
| Suite 400 |) | |
| Richardson, Texas 75080 |) | |
| |) | |
| Respondent. |) | |
| |) | Proceedings Pursuant to Sections 304 and 325 |
| 77 Towpath Road |) | of the Emergency Planning and Community |
| Fairless Hills, Pennsylvania 19030, |) | Right-to-Know Act, 42 U.S.C. §§ 11004 |
| |) | and 11045 |
| Facility. |) | |
| |) | |

CONSENT AGREEMENT

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of EPA by Section 325 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), 42 U.S.C. § 11045, and under the authority provided by the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits” (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (“Part 22”). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III (“Complainant”).

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (referred to collectively herein as “CA/FO”) as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and having consented to the entry of this CA/FO, agree to comply with the terms of this CA/FO.

JURISDICTION

1. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(8).

2. The Regional Judicial Officer has the authority to approve this settlement and conclude this proceeding pursuant to 40 C.F.R. §§ 22.4(b) and 22.18(b)(3).

3. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Consent Agreement.

4. With the exception of Paragraph 3, above, for the purpose of this proceeding, Respondent neither admits nor denies the factual allegations or conclusions of law set forth in this Consent Agreement, but expressly waives its rights to contest said allegations.

FACTUAL ALLEGATIONS

5. Safety-Kleen Systems, Inc. ("Respondent") is a Texas corporation, with its principal place of business located at 2600 North Central Expressway, Suite 400 in Richardson, Texas.

6. As a corporation, Respondent is a "person" as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), and its regulations, 40 C.F.R. § 355.61.

7. At all times relevant to this CA/FO, Respondent has been the owner or operator of the solvent accumulation facility located at 77 Towpath Road in Fairless Hills, Pennsylvania, ("Facility"), within the meaning of Section 304 of EPCRA, 42 U.S.C. § 11004.

8. The Facility is a "facility" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and its regulations, 40 C.F.R. § 355.61.

9. On July 30, 2012, EPA conducted an inspection of the Facility to determine Respondent's compliance with Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9603, and Sections 302-312 of EPCRA, 42 U.S.C. § 11002-11012.

10. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

11. The State Emergency Response Commission ("SERC") for the Facility for purposes of emergency release reporting is, and at all times relevant to this CA/FO has been, the Pennsylvania Emergency Management Agency, located at 2605 Interstate Drive in Harrisburg, Pennsylvania.

12. The Local Emergency Planning Committee (“LEPC”) for the Facility is, and at all times relevant to this CA/FO has been, the Bucks County Local Emergency Planning Committee, located at 911 Freedom Way in Ivyland, Pennsylvania.

13. At all times relevant to this CA/FO, the Facility was a facility at which a hazardous chemical was produced, used or stored.

14. Beginning on or about September 8, 2011, an estimated 13,933 pounds of ethylene glycol, Chemical Abstracts Service (“CAS”) Registry No. 107-21-1, was released from the Facility (the “Release”).

15. The release of ethylene glycol spread onto property adjacent to the Facility.

**FACTUAL ALLEGATIONS RELATED TO THE VIOLATION
OF SECTION 304(a) AND (b) OF EPCRA – SERC**

16. The factual allegations contained in Paragraphs 5 through 15 of this CA/FO are incorporated by reference herein as though fully set forth at length.

17. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires immediate notification to the National Response Center in the event a Reportable Quantity release has occurred.

18. Section 304(a)(3) and (b) of EPCRA, 42 U.S.C. § 11004(a)(3) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the SERC immediately following a Reportable Quantity release.

19. The chemical ethylene glycol is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 5,000 pounds, as listed in 40 C.F.R. § 302.4.

20. Respondent first became aware that the Release was occurring at approximately 10:00 a.m. on September 8, 2011. The release was terminated at approximately 10:10 a.m.

21. The Release required immediate notification to the National Response Center under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

22. The Release required immediate notification to the SERC pursuant to Section 304(a)(3) and (b) of EPCRA, 42 U.S.C. § 11004(a)(3) and (b), and 40 C.F.R. Part 355, Subpart C.

23. Respondent did not notify the SERC of the Release.

24. Respondent failed to immediately notify the SERC of the Release of ethylene glycol as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(a) AND (b) OF EPCRA – SERC**

25. Respondent's failure to notify the SERC immediately of the Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**FACTUAL ALLEGATIONS RELATED TO THE VIOLATION
OF SECTION 304(a) AND (b) OF EPCRA – LEPC**

26. The factual allegations contained in Paragraphs 5 through 24 of this CA/FO are incorporated by reference herein as though fully set forth at length.

27. Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the LEPC immediately following a release of a hazardous substance in a quantity equal to or exceeding the RQ for the hazardous substance.

28. The Release required immediate notification to the LEPC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C.

29. Respondent did not notify the LEPC of the Release.

30. Respondent failed to immediately notify the LEPC of the Release of ethylene glycol as soon as Respondent knew that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its RQ, as required by Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(a) AND (b) OF EPCRA – LEPC**

31. Respondent's failure to notify the LEPC immediately of the Release is a violation of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**FACTUAL ALLEGATIONS RELATED TO THE VIOLATION
OF SECTION 304(c) OF EPCRA – SERC**

32. The factual allegations contained in Paragraphs 5 through 30 of this CA/FO are incorporated by reference herein as though fully set forth at length.

33. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, when there has been a release of a hazardous substance in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the SERC as soon as practicable.

34. The Release constitutes a release of a hazardous substance in a quantity equal to or exceeding its RQ requiring immediate notification of the SERC pursuant to Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and, consequently, requiring submission of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

35. Respondent did not provide a written follow-up report regarding the Release to the SERC, as required by Section 304(c) of EPCRA, as implemented by 40 C.F.R. Part 355, Subpart C.

**CONCLUSION OF LAW RELATED TO THE
VIOLATION OF SECTION 304(c) OF EPCRA – SERC**

36. Respondent's failure submit a follow-up report to the SERC for the Release is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**FACTUAL ALLEGATIONS RELATED TO THE VIOLATION
OF SECTION 304(c) OF EPCRA – LEPC**

37. The factual allegations contained in Paragraphs 5 through 35 of this CA/FO are incorporated by reference herein as though fully set forth at length.

38. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, when there has been a release of a hazardous substance or an EHS in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the LEPC as soon as practicable.

39. The Release constitutes a release of a hazardous substance in a quantity equal to or exceeding its RQ requiring immediate notification of the LEPC pursuant to Section 304(a) and

(b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. Part 355, Subpart C, and, consequently, requiring submission of a written follow-up report to the LEPC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C.

40. Respondent did not provide a written follow-up report regarding the Release to the LEPC, as required by Section 304(c) of EPCRA, as implemented by 40 C.F.R. Part 355, Subpart C.

CONCLUSION OF LAW RELATED TO THE VIOLATION OF SECTION 304(c) OF EPCRA – LEPC

41. Respondent's failure to submit a follow-up report to the LEPC is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c). Respondent is, therefore, subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

SETTLEMENT

42. In full and final settlement and resolution of all allegations referenced in the foregoing findings of fact and conclusions of law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violations of Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), set forth above, in the amount of **\$11,725**.

43. Respondent consents to the issuance of this Consent Agreement, and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing Paragraph and to performance of the Supplemental Environmental Project, as set forth below.

SUPPLEMENTAL ENVIRONMENTAL PROJECT

44. The following Supplemental Environmental Project ("SEP") is consistent with applicable EPA policy and guidelines, specifically EPA's Supplemental Environmental Projects Policy ("the SEP Policy"), effective May 1, 1998.

45. Respondent agrees to purchase Emergency Response Equipment for the Falls Township Fire Department, including the retrofit of a pickup into an emergency response vehicle and the provision of a thermal imaging camera, leather fire boots and oil dry and spill kits. The SEP is described further in the SEP Scope of Work ("SEP Scope of Work"), attached hereto as Attachment A and incorporated herein by reference. Respondent shall complete the SEP within sixty (60) days of the effective date of this CAFO ("SEP Completion Deadline").

46. Respondent's total expenditure for the SEP shall not be less than \$17,272 in accordance with the specifications set forth in the SEP Scope of Work. Pursuant to the SEP

Policy, EPA has determined that the SEP has a mitigation value of \$13,083. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP Completion Report described in Paragraph 50 below.

47. Respondent hereby certifies that, as of the date of this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulations; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

48. For Federal Income Tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

49. Respondent shall notify EPA EPCRA Coordinator Perry Pandya, at the address noted in Paragraph 50, below, when such SEP is complete. EPA may grant Respondent an extension of time to fulfill its SEP obligations if EPA determines, in its sole and unreviewable discretion, that Respondent, due to causes beyond its reasonable control, is unable to complete the SEP obligations within the time frame required by Paragraph 45 and, if extensions are granted, by this Paragraph. Requests for any extension must be made in writing within 48 hours of any event, such as an unanticipated delay in obtaining governmental approvals, the occurrence of which renders the Respondent unable to complete the SEP within the required time frame ("force majeure event"), and prior to the expiration of the allowed SEP Completion Deadline. Any such requests should be directed to Perry Pandya, at the address noted in Paragraph 50 below.

50. SEP Completion Report

- a. Respondent shall submit to EPA a Completion Report for the SEP via first class mail to Perry Pandya, U.S. EPA Region III, 1650 Arch Street (Mailcode 3HS61), Philadelphia, PA 19103, and via email to pandya.perry@epa.gov within fourteen (14) days of completing the implementation of the SEP, as set forth in Paragraph 45. The SEP Completion Report shall contain the following information:
- (i) detailed description of the SEP as implemented, including a complete listing of every item purchased or service paid for to complete the SEP;
 - (ii) photographs of the vehicle before and after retrofitting;
 - (iii) a description of any problems encountered and the solution thereto; and
 - (iv) itemized costs, including invoices.

- b. Respondent shall sign the report required by this Paragraph and certify under penalty of law that the information contained therein is true, accurate, and not misleading by including and signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

- c. Respondent agrees that failure to submit reports required by this Paragraph 50 shall be deemed a violation of this CA/FO and, in such an event, Respondent will be liable for stipulated penalties pursuant to Paragraph 52 below.
- d. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. Where the report includes costs not eligible for SEP credit, those costs must be clearly identified as such. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

51. EPA Acceptance of SEP Completion Report

- a. Upon receipt of the SEP Completion Report, EPA may exercise one of the following options:
- (i) notify the Respondent in writing that the SEP Completion Report is deficient, provide an explanation of the deficiencies, and grant Respondent an additional thirty (30) days to correct those deficiencies;
 - (ii) notify the Respondent in writing that EPA has concluded that the project has been satisfactorily completed; or
 - (iii) notify the Respondent in writing that EPA has concluded that the project has not been satisfactorily completed, and seek stipulated penalties in accordance with Paragraph 52, below.
- b. If EPA elects to exercise option (i) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency within ten (10)

business days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP Completion Report. If agreement cannot be reached within this thirty (30) day period, EPA shall provide to the Respondent a written statement of its decision on the adequacy of the completion of the SEP, which shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CA/FO. In the event either the SEP is not completed as required herein or the SEP Completion Report is not submitted to EPA, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph 52, below.

52. Stipulated Penalties

- a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement relating to the performance of the SEP described in Paragraph 45 above and/or to the extent that the actual expenditures for the SEP do not equal or exceed the costs of the SEP required by Paragraph 46, above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
- (i) Except as provided in subparagraph (iii) below and Paragraph 51, if the SEP has not been completed satisfactorily pursuant to this CA/FO, Respondent shall pay a stipulated penalty to EPA in the amount of \$13,083.
 - (ii) If the SEP is not completed in accordance with Paragraph 45, but the Complainant determines that the Respondent: (a) made good faith and timely efforts to complete the project; and (b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.
 - (iii) If the SEP is completed in accordance with Paragraph 45, but the Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to EPA in the amount of \$1,308.
 - (iv) If the SEP is completed in accordance with Paragraph 45, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.

- (v) For failure to submit the SEP Completion Report required by Paragraph 50, above, Respondent shall pay a stipulated penalty in the amount of \$500.00 for each day after the report was originally due until the report is submitted.
- b. The determination of whether the SEP has been satisfactorily implemented and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.
- c. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties, in accordance with the provisions of Paragraphs 53 and 54, below. Interest and late charges shall be paid as set forth in Paragraphs 57 through 60, below.

PAYMENT TERMS

53. In order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with the civil penalties described in this CA/FO, Respondent shall pay the civil penalty of \$11,725 no later than thirty (30) days after the effective date of the Final Order (the "Final Due Date") by either cashier's check, certified check, or electronic wire transfer, as set forth in the following paragraphs.

54. Payment of the civil penalty shall be made in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, EPCRA-03-2014-0013;
- b. All checks shall be made payable to United States Treasury;
- c. All payments made by check and sent by regular mail shall be addressed to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell (513-487-2044)

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. EPA
Fines and Penalties
U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA = 021030004
Account No. = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
D 68010727 Environmental Protection Agency

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX /Cashlink ACH Receiver
ABA = 051036706
Account No.: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White 301-887-6548 or REX, 1-866-234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

i. Additional payment guidance is available at:

http://www.epa.gov/ocfo/finservices/make_a_payment.htm

55. Respondent shall submit copies of the check, or verification of wire transfer or ACH, to the following persons:

Lydia Guy (3RC00)
Regional Hearing Clerk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

56. The civil penalty stated herein is based upon Complainant's consideration of a number of factors, including, but not limited to, the following: the nature, circumstances, extent and gravity of the violation, and with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit (if any) resulting from the violation, and such matters as justice may require. The penalty is consistent with 40 C.F.R. Part 19 and the Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (September 30, 1999).

57. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment by the final due date or to comply with the conditions in this CA/FO shall result in the assessment of late payment charges, including interest, penalties, and/or administrative costs of handling delinquent debts.

58. Interest on the civil penalty assessed in this CA/FO will begin to accrue on the date that a copy of this fully executed CA/FO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

59. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the Final Due Date and an additional \$15.00 for each subsequent thirty (30) day period the penalties remain unpaid.

60. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalties which remain delinquent more than ninety (90) calendar days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

61. Failure by the Respondent to pay the EPCRA civil penalty assessed by the Final Order in full by the Final Due Date may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.

GENERAL PROVISIONS

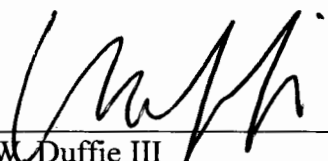
62. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 325 of EPCRA, 42 U.S.C. § 11045.

63. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of the Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

64. This CA/FO resolves only those civil claims which are alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent, in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CA/FO shall be construed to limit the United States' authority to pursue criminal sanctions.

65. Each party to this action shall bear its own costs and attorney's fees.


FOR SAFETY-KLEEN SYSTEMS, INC.



Virgil W. Duffie III
Senior Vice President and Assistant Secretary

12/12/13
DATE

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Kathryn A. Hodgkiss, Acting Director
Hazardous Site Cleanup Division

12-23-13
DATE

ATTACHMENT A



Clean Harbors Environmental Services
42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149
781.792.5000
www.cleanharbors.com

December 4, 2013

Cynthia T. Weiss, Esq.
Senior Assistant Regional Counsel
U.S. EPA Environmental Protection Agency, Region 3
1650 Arch Street, Mailcode 3RC42
Philadelphia, PA 19103-2029

Re: Safety-Kleen Systems, Inc. Fairless Hills, PA Facility

Dear Attorney Weiss,

Pursuant to our discussions earlier this year, Safety-Kleen Systems, Inc. ("Safety-Kleen") would like to propose implementation of a Supplemental Environmental Project ("SEP") as a component of resolution of the above referenced matter. This letter will outline details of the SEP that Safety-Kleen is proposing.

1. General Information

As we have previously communicated to you, Safety-Kleen has been in discussions with the Chief of the Falls Township, Pennsylvania Fire Department ("Department"). The Chief has indicated that the Department is interested in converting its utility pickup truck into a spill response truck. Safety-Kleen proposes that it provides funding and assistance to the Department in order to accomplish this conversion.

Greg Chiappini, EHS Manager for Safety-Kleen, will be overseeing the SEP. Greg can be reached by phone at (814)786-7540, or by email at Greg.Chiappini@safety-kleen.com.

2. Description of the Project

A. Project Specifics

The Department currently owns and operates a 1997 Silverado/Sierra Crew Cab 8' bed pickup truck. In order to convert the truck into a spill response truck, the following modifications will be made:

- A thermal imaging camera, leather fire boots, and oil dry and spill kits will be purchased and added to the truck
- A cap and slide out tray will be added to the truck to protect the spill response equipment.

"People & Technology Creating a Safer, Cleaner Environment"



This SEP will benefit the region as the Department has expressed a need for such spill response equipment. Furthermore, the Chief of the Department has spoken with the Bucks County Hazmat Team, and has advised him that the equipment will be made available for others within the County if needed.

B. Cost of Project

The total estimated cost of the SEP is \$17,271.86. A breakdown of the cost components is as follows:

| | |
|------------------------|---------------------------|
| Thermal Imaging Camera | \$10,213.18 |
| Leather Fire Boots | \$1,629.95 |
| Oil Dry and Spill Kits | \$2,731.53 |
| Truck Cap | \$1,570.00 + 6% sales tax |
| Slide Out Tray | \$1,033.00 |

Safety-Kleen is not otherwise required to perform or develop this proposed SEP by any federal, state, or local law or regulation and is not required to perform or develop this proposed SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum. The proposed SEP is not a project that Safety-Kleen was otherwise planning or intending to construct, perform, or implement other than in settlement of the above referenced matter. Safety-Kleen has not received, and is not negotiating to receive, credit for the proposed SEP in any other enforcement action. Safety-Kleen will not receive any reimbursement for any portion of the costs of implementing the proposed SEP from any other person.

We are hopeful that the proposed SEP as described above is satisfactory and can be executed as a vehicle to resolve the above referenced matter. Should you have any questions or require additional information, please do not hesitate to contact me at (781) 792-5172.

Sincerely,

A handwritten signature in black ink, appearing to read "Timmery Donahue".

Timmery Donahue
Senior Environmental Attorney
Safety-Kleen Systems, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

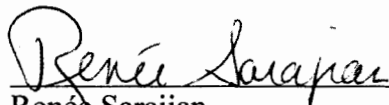
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|-------------------------------------|---|---------------------------------------|
| In the Matter of |) | U.S. EPA Docket No.: EPCRA-03-2014- |
| |) | 0013 |
| Safety-Kleen Systems, Inc. |) | |
| 2600 North Central Expressway |) | |
| Suite 400 |) | |
| Richardson, Texas 75080, |) | |
| |) | |
| Respondent. |) | |
| |) | Proceedings Pursuant to Sections 304 |
| |) | and 325 of the Emergency Planning and |
| 77 Towpath Road |) | Community Right-to-Know |
| Fairless Hills, Pennsylvania 19030, |) | Act, 42 U.S.C. §§ 11004 and 11045 |
| |) | |
| Facility. |) | |

FINAL ORDER

Pursuant to Section 325 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11045, and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," codified at 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to pay \$11,725.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.



Renee Sarajian
Regional Judicial Officer
EPA, Region III

12/24/13
DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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EPA REGION III, PHILA. PA

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|-------------------------------------|---|--|
| In the Matter of |) | U.S. EPA Docket No.: EPCRA-03-2014- |
| |) | 0013 |
| Safety-Kleen System, Inc. |) | |
| 5360 Legacy Drive, Suite 100 |) | |
| Plano, Texas 75024-3132 |) | |
| |) | |
| Respondent. |) | |
| |) | Proceedings Pursuant to Sections 304 and 325 |
| 77 Towpath Road |) | of the Emergency Planning and Community |
| Fairless Hills, Pennsylvania 19030, |) | Right-to-Know Act, 42 U.S.C. §§ 11004 |
| |) | and 11045 |
| Facility. |) | |
| |) | |

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original of Consent Agreement and Final Order, along with enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with its enclosures and/or attachments, was sent to:

Via certified mail, return receipt requested

Timmery Donahue, Esquire
Clean Harbors Environmental Services
42 Longwater Drive
P.O. Box 9149
Norwell, MA 02061-9149

DEC 24 2013

Date

Cynthia T. Weiss (3RC42)
Senior Assistant Regional Counsel