

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Safety-Kleen Systems, Inc.
10 Industrial Park Drive
Wheeling, WV 26003

Respondent,

Safety-Kleen Systems, Inc.
10 Industrial Park Drive
Wheeling, WV 26003

Facility.

) DOCKET NO.: RCRA-03-2026-0009

) EXPEDITED SETTLEMENT AGREEMENT AND
) FINAL ORDER

) Proceeding under Section
) 3008 of the Resource Conservation and
) Recovery Act, as amended, 42 U.S.C. § 6928

EXPEDITED SETTLEMENT AGREEMENT

1. Safety-Kleen Systems, Inc. ("Respondent"), and the Acting Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C § 6928, and 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 (with specific reference to 40 C.F.R. §§ 22.13(b), 22.18(b)(2), and (3)). The Administrator has delegated the authority to enter into this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 ("EPA") has jurisdiction over this matter pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. §§ 22.1(a)(4) and 22.4 of the Consolidated Rules of Practice.
3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA has authorized the State of West Virginia to administer a hazardous waste management program in lieu of the federal hazardous waste management program established under RCRA Subtitle C, 42 U.S.C. §§ 6921-6939g. The provisions of the current authorized West Virginia Hazardous Waste Management Regulations ("WVHWMR"), codified at W.Va. Code R. §§ 33-20-1 through 33-20-15 and W. Va. Code R. § 45-25, have thereby become requirements of RCRA Subtitle C and are enforceable by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

4. On June 2, 2025, EPA sent a letter to the State of West Virginia, through the West Virginia Department of Environmental Protection (“WVDEP”), giving prior notice of this enforcement action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
5. At its facility, located at 10 Industrial Park Drive, Wheeling, WV 26003 (“Facility”), Respondent supplies clean solvent to parts washers and parts sinks and removes spent solvent that is then consolidated in a permitted 15,000-gallon aboveground storage tank. Most recently, October 10, 2024, Respondent submitted a notification to WVDEP that the Facility was a large quantity generator (“LQG”) of hazardous waste at the Facility, and WVDEP previously assigned RCRA ID No. WVD981034101.
6. Respondent has a permit for the treatment, storage, or disposal of hazardous waste at the Facility. On September 24, 2014, WVDEP issued Respondent Hazardous Waste Management Permit Number WVD981034101, which expired on October 23, 2024, for two (2) container storage units and one (1) storage tank.
7. Complainant alleges that, at all times relevant to the allegations described in this Agreement, Respondent was and continues to be a corporation and is therefore a “person,” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and W.Va. Code R. § 33-20-2.1.a, and at all times relevant to the allegations in this Agreement was the “operator” and the “owner” of a “facility,” described in Paragraph 5, as the terms “facility,” “owner” and “operator” are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.Va. Code R. § 33-20-2.1.a.
8. At all times relevant to the allegations described in this Agreement, Respondent “stored” used naphtha/petroleum distillates parts cleaner (bulk), waste paint and waste paint cleaner, sludge bottoms and filters, used oil, aerosol cans, and contaminated debris with EPA Hazardous Waste Codes D001, D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043 F002, F003, F005, which are “hazardous waste(s)” at the Facility, as the terms “stored” and “hazardous waste(s)” are defined in 40 C.F.R. § 260.10, as incorporated by reference in W.Va. Code R. § 33-20-2.1.a.
9. On September 10-11, 2024, EPA representatives conducted a Compliance Evaluation Inspection at the Facility to determine compliance with the applicable hazardous waste regulations.
10. Based on the observations during the Inspection and on the information Respondent provided during the inspection, Complainant alleges and finds that Respondent failed to comply with specific requirements of Subtitle C of RCRA, 42 U.S.C. §§ 6921 et seq., its implementing regulations at 40 C.F.R. Parts 262, 264, 265, and the federally-authorized WVHWMR, W.Va. Code R. § 33-20.2.1.a et seq.

11. Complainant has identified the following violations at the Facility:

- a. In calendar years 2022, 2023, and 2024, Respondent failed to provide personnel training in violation of RCRA Permit #WVD981034101, Module II-D, which references Attachment 3. "An employee is trained prior to starting work or as soon as he or she begins working (depending on his or her position) and annually thereafter".
 1. The Facility's Sr. Branch Admin signed hazardous waste manifests in 2022, 2023, and 2024. The Sr. Branch Admin did not receive annual hazardous waste training in 2024.
 2. The employee listed in the Respondent's contingency plan as the alternate emergency coordinator did not receive annual hazardous waste training in 2022, 2023, or 2024.
- b. On September 10 and 11, 2024, Respondent failed to provide a contingency plan that included all required components in violation of RCRA Permit #WVD981034101, Module II-G, which references Attachment 4.
 1. At the time of Inspection, the Respondent provided a contingency plan revised on November 21, 2013. The plan did not have locations of emergency equipment.
- c. Although the Respondent may have attempted to comply with the temporary (less than 90-day) accumulation exemption at the Facility to the permit requirement found in WVHWMR § 33-20-11, which incorporates by reference 40 CFR § 270.1(b), and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), with exceptions not relevant herein, the Respondent did not qualify for such exemption at the Facility for certain operations not covered by its existing RCRA Part B permit because of its failure to comply with each of the applicable exemption conditions for its management of hazardous waste at the Facility. The exemption conditions with which the Respondent did not comply include those listed below:
 1. Respondent failed to meet the satellite accumulation area ("SAA") conditions of WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR 262.34(c)(1)(i), which in turn references the requirements of 40 CFR 265.173(a). Respondent failed to keep SAA containers closed when not adding or removing waste.
 - A. In the return/fill room, the SAA 55-gallon drum accumulating branch generated solvent sludge was open.
 - B. In the oil tank farm, the SAA 55-gallon drum accumulating contaminated oil

PPE, rags, and debris was open.

2. Respondent failed to conduct weekly inspections of the central accumulation areas, in violation of WVHWMR § 33-20-5.1, which incorporates by reference 40 CFR 262.34(a)(1)(i) which in turn references the requirements of 40 CFR § 265.174.
 - A. In the Existing Dock, the Inspectors observed one (1) 55-gallon container labeled as “Solvent Sludge-Branch Generated” with an accumulation start date of August 19, 2024. The Existing Dock did not have any weekly inspection records for the time period of August 19, 2024 to September 10, 2024.
- d. On September 10, 2024, Respondent failed to keep containers of hazardous waste closed in violation of WVHWMR § 33-20-7.2, which incorporates by reference 40 CFR 264.173(a) by failing to keep closed:
 1. In the return/fill room, the SAA 55-gallon drum accumulating branch generated solvent sludge was open.
 2. In the oil tank farm, the SAA 55-gallon drum accumulating contaminated oil PPE, rags, and debris was open.
- e. Respondent failed to conduct weekly inspections of the central accumulation areas, in violation of WVHWMR § 33-20-7.2, which incorporates by reference 40 CFR § 264.174.
 1. In the Existing Dock, the Inspectors observed one (1) 55-gallon container labeled as “Solvent Sludge-Branch Generated” with an accumulation start date of August 19, 2024. The Existing Dock did not have any weekly inspection records for the time period of August 19, 2024 to September 10, 2024.
12. Complainant and Respondent agree that settlement of this matter for a total penalty of **SIX THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)** is in the public interest. In calculating this amount, Complainant considered the statutory factors set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3).
13. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$6,250.00** to “**United States Treasury**” with the case name, address, and docket number of this Agreement (RCRA-03-2026-0009), for the amount specified above. Respondent shall pay the assessed penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as

provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. However, for any payments made after September 30, 2025, and in accordance with the March 25, 2025 Executive Order on [Modernizing Payments To and From America's Bank Account](#), Respondent shall pay using one of the electronic payments methods listed on [EPA's How to Make a Payment website](#) and will not pay with a paper check.

14. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer), by electronic mail to:

Nicole Okino, Enforcement Officer (3ED22)
U.S. EPA, Region 3
okino.nicole@epa.gov

and

Regional Hearing Clerk (3RC00)
U.S. EPA, Region 3
R3_Hearing_Clerk@epa.gov

15. In signing this Agreement, Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
16. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) any documentation or information provided to EPA was true and accurate.
17. This Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
18. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any

right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.

19. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the RCRA, the RCRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement, following its filing with the Regional Hearing Clerk.
20. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
21. This Agreement is effective upon filing, in accordance with 40 C.F.R. § 22.31(b).
22. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Safety-Kleen Systems, Inc.
23. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: okino.nicole@epa.gov (for Complainant), and mori.sorenson@safety-kleen.com (for Respondent).
24. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

For Respondent: Safety-Kleen Systems, Inc.

Date: 10-14-2025

By: 

Mori Sorenson
Vice President of Environmental Compliance

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

**ANDREA
BAIN**

Digitally signed by
ANDREA BAIN
Date: 2025.11.18
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[Digital Signature and Date]

Andrea Bain, Acting Director

Enforcement and Compliance Assurance Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

IN THE MATTER OF:

Safety-Kleen Systems, Inc.
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Respondent,

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DOCKET NO.: RCRA-03-2026-0009

EXPEDITED SETTLEMENT AGREEMENT AND
FINAL ORDER

Proceeding under Section
3008 of the Resource Conservation and
Recovery Act, as amended, 42 U.S.C.
§ 6928

FINAL ORDER

Complainant, the Acting Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency - Region 3, and Respondent, Safety-Kleen Systems, Inc., have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with 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, (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Expedited Settlement Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO 3008 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Section 6928(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **SIX THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 et seq., and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

JEFFREY
NAST

Digitally signed by
JEFFREY NAST
Date: 2025.11.20
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[Digital Signature and Date]

Regional Judicial Officer
U.S. EPA - Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

IN THE MATTER OF:

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10 Industrial Park Drive
Wheeling, WV 26003**

Respondent,

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3008 of the Resource Conservation and
Recovery Act, as amended, 42 U.S.C.
§ 6928**

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

**Mori Sorenson, Vice President of Environmental Compliance
Safety-Kleen Systems, Inc.
4704 Northeast 22nd Street
Des Moines, IA 50313
Mori.sorenson@safety-kleen.com**

**Nicole Okino
Enforcement Officer
U.S. EPA, Region 3
Okino.nicole@epa.gov**

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.11.20 14:18:46 -05'00'

[Digital Signature and Date]

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 3