

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

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Unitek Solvent Services, Inc.	)	Docket No. RCRA-09-2025-0113
	)	
	)	MOTION FOR A MORE DEFINITE
	)	STATEMENT AND EXTENSION OF
Respondent.	)	TIME FOR FILING PREHEARING
	)	EXCHANGES
	)	

**MOTION FOR A MORE DEFINITE STATEMENT AND EXTENSION OF TIME FOR FILING
PREHEARING EXCHANGES**

1. This Motion for a More Definite Statement and Extension of Time for Filing Prehearing Exchanges is filed pursuant to Rule 12.16(b) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules”).
2. On August 6, 2025, Complainant filed the Complaint in the above-captioned matter.
3. On September 2, 2025, Respondent filed the Answer (the “Answer”).
4. On October 2, 2025, the Presiding Officer was designated in this matter, and the Prehearing Order was issued on the same day. The Prehearing Order directed the parties to engage in settlement negotiations and for Complainant to file a status report by October 24, 2025.

5. Rule 22.16(b) of the Consolidated Rules provides the Presiding Officer may set a shorter or longer time for response or reply, or make other orders concerning the disposition of motions.

6. Rule 22.15(b) of the Consolidated Rules states:

Contents of the answer. The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Where respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The answer shall also state: The circumstances or arguments which are alleged to constitute the grounds of any defense; the facts which respondent disputes; the basis for opposing any proposed relief; and whether a hearing is requested.

40 C.F.R. § 22.15(b) (italics in original)

7. Rule 22.15(d) of the Consolidated Rules states:

Failure to admit, deny, or explain. Failure of respondent to admit, deny, or explain any material factual allegation contained in the complaint constitutes an admission of the allegation.

40 C.F.R. § 22.15(d) (italics in original)

8. While Respondent requested a hearing in the Answer, Respondent responded to the factual allegations in the complaint with just the following two paragraphs:

The solvent in question, according to Unitek's test results, did not constitute hazardous waste. Moreover, the solvents were being legitimately recycled and/or destined for legitimate recycling in compliance with EPA's standards, regulations, and guidance documents accordingly.

Even if the solvent in question exhibited a hazardous characteristic, which we deny, it was properly recycled and therefore did not constitute a RCRA hazardous waste.

The Answer at 1.

9. While Respondent broadly contested its liability under the Resource Conservation and Recovery Act on the basis of the regulatory status of the waste at issue, Respondent failed to “clearly and directly admit, deny or explain” each of the factual allegations contained in the Complaint (see Paragraphs 7-22; 25-27; 31-33; 37-38; 42-44; 48-49; 53-54; 58-59; and 63-64) in violation of Rule 22.15(b) of the Consolidated Rules.
10. Complainant thus requests the Tribunal to grant this Motion for a More Definite Statement and issue an Order directing Respondent to clearly and directly admit, deny or explain the factual allegations contained in Paragraphs 7-22; 25-27; 31-33; 37-38; 42-44; 48-49; 53-54; 58-59; and 63-64 of the Complaint. To date, Respondent has not retained an attorney to represent it in this proceeding. Accordingly, to facilitate this process, Complainant has attached a table incorporating the language of the paragraphs identified above verbatim with boxes that Respondent can check off to indicate whether it admits, denies, or has insufficient information to do so. *See Appendix 1.*
11. In the alternative, Complainant requests the Tribunal to issue a finding that the factual allegations contained in Paragraphs 7-22; 25-27; 31-33; 37-38; 42-44; 48-49; 53-54; 58-59; and 63-64 of the Complaint have been admitted by Respondent.
12. In light of the above request, Complainant also requests the Tribunal to grant an extension of time to file prehearing exchanges in this matter. The Prehearing Order established deadlines for the filing of Complainant’s Initial Prehearing Exchange, Respondent’s Prehearing Exchange, and Complainant’s Rebuttal Prehearing Exchange as November 14, 2025; December 5, 2025; and December 19, 2025, respectively. Given the time required for Respondent to respond to this motion and the Tribunal to issue any

order in connection with this motion, Complainant requests a 30-day extension of the deadlines identified above to December 15, 2025; January 5, 2026; and January 20, 2026, respectively.

13. During the settlement conference on October 16, 2025, Complainant informed Respondent of its intention to file this motion for a more definite statement and extension of time to file prehearing exchanges. Respondent expressed no position regarding this motion.

Respectfully submitted,

David H. Kim

CERTIFICATE OF SERVICE

I, David H. Kim, hereby certify that on October 17, 2025, the foregoing Motion for A More Definite Statement and Extension of Time For Filing Prehearing Exchanges has been filed with the EPA Office of Administrative Law Judges, and that a true and correct copy was served by email on Unitek Solvent Service, Inc.: byron@uniteksolvent.com; mhahn@uniteksolvent.com; execadmin@uniteksolvent.com.

Respectfully submitted,

David H. Kim

APPENDIX 1

ANSWER TO FACTUAL ALLEGATIONS IN THE COMPLAINT

Paragraph of Complaint	Admit	Deny	Insufficient Information to Answer
7. Respondent owns and operates a facility located at 91-125 Kaomi Loop, Kapolei, Hawaii (the "Facility").			
8. On May 10-11, 2022, EPA conducted a compliance evaluation inspection (the "Inspection") at the Facility.			
9. Respondent provides a variety of waste-related services to commercial and industrial customers including: collection of oily waste and waste antifreeze; collection of waste tires; cleaning of petroleum sump pumps; and generation and distribution of EcoDiesel.			
10. Respondent leases parts washers to various industrial customers for cleaning parts or equipment that are coated with oil, solvents, or dirt during normal operations. Under service contracts with these customers, Respondent collects spent solvents (the "Solvents") from the customers, transports them to the Facility where Respondent reclaims the Solvents and resupplies customers with clean solvents.			
11. Respondent stores the Solvents in Tanks 21 and 22 ¹ at the Facility, with each tank capable of storing up to 3,500 gallons.			
12. Respondent stores reclaimed solvents in Tank 23 ² at the Facility before distributing them to customers. Respondent stores still bottoms resulting from the reclamation of spent solvents in Tank 25 ³ at the Facility for up to three years before disposing of them off-site.			
13. During the Inspection, EPA sampled the Solvents and subsequently determined that the Solvents were hazardous wastes due to its ignitability characteristics (waste code D001) and toxicity characteristics (D018).			
14. At all times relevant to this CAFO, Respondent operated the Facility subject to Chapter 342 of H.R.S. and the regulations promulgated thereunder, H.A.R., Title 11, Chapters 11-260 through 11-279.			
15. The Solvents are "hazardous wastes" as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
16. The Solvents are "hazardous secondary materials" as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
17. Respondent is a "person" as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
18. Respondent is the "owner" of a facility as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
19. Respondent is the "operator" of a facility as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
20. Respondent is a "generator" of hazardous wastes as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			
21. Respondent is a "transporter" of hazardous wastes as defined in H.A.R. § 11-260.1-1 [see also 40 C.F.R. § 260.10].			

¹ Also known as Tanks T-21 and T-22.

² Also known as Tank T-23.

³ Also known as Tank T-25.

Paragraph of Complaint	Admit	Deny	Insufficient Information to Answer
22. At the Facility, Respondent is or has been engaged in “treatment,” “storage,” or “disposal” of “hazardous waste” as defined in H.A.R. § 11-260.1-1 and H.A.R. § 11-261.1-1. [see also 40 C.F.R. §§ 260.10 and 261.3]. These hazardous wastes include but are not limited to the following hazardous waste codes: D001 and D018.			
25. During 2020-2022, Respondent managed the Solvents at the Facility pursuant to the exemption set forth at 40 C.F.R. § 261.4(a)(24).			
26. Respondent failed to send a notification to EPA using EPA Form 8700-12 prior to managing the Solvents as hazardous secondary materials under 40 C.F.R. § 261.4(a)(24).			
27. Respondent failed to submit notification to EPA prior to managing hazardous secondary materials, in violation of H.A.R. § 11-260.1-1. [see also 40 C.F.R. § 260.42].			
31. During 2020-2022, Respondent collected certain Solvents from customers Waipahu Repair and HECO, transported those Solvents to the Facility, and stored those Solvents in Tank 22 before they were reclaimed.			
32. The Inspection and review of the Facility records indicated that Respondent failed to perform a waste determination of Tank 22 after introduction of the Solvents during 2020-2022, which changed or may have changed the waste’s properties.			
33. Respondent failed to perform an accurate determination of waste, in violation of H.A.R. § 262.1-1. [see also 40 C.F.R. § 262.11].			
37. The inspection and review of the Facility records indicated that Respondent transported the Solvents from Waipahu Repair and HECO to the Facility during 2020 through 2022 without receiving manifests for hazardous wastes.			
38. Respondent failed to comply with the manifest requirements for hazardous wastes, in violation of H.A.R. § 11-263.1-1. [see also 40 C.F.R. § 263.20(a)(1)].			
42. The Inspection and review of the Facility records indicated that Respondent stored the Solvents in Tank 22 at the Facility during 2020-2022.			
43. Respondent failed to obtain any permits before storing the Solvents in Tank 22 at the Facility during 2020-2022.			
44. Respondent failed to obtain a permit for storage of hazardous waste, in violation of H.A.R. § 11-270.1-1. [see also 40 C.F.R. § 270.1(c)].			
48. The Inspection and review of the Facility records indicated that Respondent failed to install and operate a leak detection system for Tank 22 at the Facility during 2020-2022.			
49. Respondent failed to install and operate a leak detection system for hazardous waste tanks, in violation of H.A.R. § 11-265.1-1. [see also 40 C.F.R. § 265.193(c)(3)].			
53. The Inspection and review of the Facility records indicated that Respondent failed to document daily inspections of Tank 22 at the Facility during 2020-2022.			
54. Respondent failed to document daily inspections of tanks treating or storing hazardous waste, in violation of H.A.R. § 11-265.1-1. [see also 40 C.F.R. § 265.195(g)].			
58. Based upon the Inspection and review of the Facility records, EPA determined that Respondent failed to determine whether Tank 22 and associated piping contained or contacted a hazardous waste with organic concentration that equals or exceeds 10 percent by weight during 2020-2022.			

Paragraph of Complaint	Admit	Deny	Insufficient Information to Answer
59. Respondent failed to determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight during 2020-2022, in violation of H.A.R. § 11-265.1-1. [see also 40 C.F.R. § 265.1063(d)].			
63. Based upon the Inspection and review of the Facility records, EPA determined that Respondent failed to determine the average volatile organic concentration of the Solvents before storing them in Tank 22 during 2020-2022.			
64. Respondent failed to determine the average volatile organic concentration of a hazardous waste before its introduction into a hazardous waste tank system, in violation of H.A.R. § 11-265.1-1. [see also 40 C.F.R. § 265.1084].			