

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Jackson, Mississippi, Hazardous Waste Facility Enter into Consent Agreement



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) and Safety-Kleen Systems, Inc., (“Safety-Kleen”) entered into a March 26th Consent Agreement (“CA”) addressing alleged violations of Resource Conservation and Recovery Act (“RCRA”) and Mississippi Hazardous Waste Management Regulations. See Docket No.: RCRA-04-2018-4016(b).

Safety-Kleen is described as the owner and operator of a business in Jackson, Mississippi, (“Facility”) that both sells oil, solvents, lubricants, and antifreeze and provides used oil and spent solvent recovery services.

The Facility is stated to have been issued a Hazardous Waste Permit (“Permit”) by the Mississippi Department of Environmental Quality. The permit enables the Facility to operate storage units for the management of hazardous waste and containers, a tank, and in miscellaneous units in accordance with the terms and conditions of the permit.

The CA provides that on February 15, 2018, inspectors with the EPA and Missouri Department of Environmental Quality conducted a compliance evaluation inspection (“CEI”) at the Facility. It further provides that during the CEI the inspectors were informed that hazardous waste identified with EPA hazardous waste numbers D018, D039, and D040 was being stored within the 15,000-gallon Service Center hazardous waste storage tank, the tank’s ancillary units consisting of various drums and other related containers located at the Solvent Return and Fill Station, as well as containers being stored in the Flammable Storage Shelter pursuant to the terms and conditions set forth in Module III of the Permit.

The inspectors are stated to have observed a clearly visible gap between the 15,000-gallon Service Center hazardous waste storage tank and Service Center hazardous waste storage tank’s manhole cover. The manhole cover is stated to have been designed to form a continuous barrier over the entire surface area of the tank, and was operating as a closure device.

The CA alleges that Safety-Kleen committed a violation by operating a closure device on the Service Center hazardous waste tank that failed to achieve the requisite Subpart CC Tank Level 1 controls.

The inspectors are also stated to have observed that the Facility accumulated hazardous waste in four 30-gallon containers and one 16-gallon container located in the Solvent Return and Fill Station, one of the Facility’s permitted container storage areas, which were not labeled with the words “Hazardous Waste.”

This was alleged to constitute a violation by the storage of hazardous waste restricted from land disposal without clearly marking each container to identify its contents.

The CEI is stated to have indicated that the Facility was accumulating hazardous waste in one 55-gallon and four 5-gallon containers in the Flammable Storage Shelter, one of the Facility's permitted container storage areas, that were not marked with accumulation start dates. This was stated to constitute a violation by storing hazardous waste restricted from land disposal without clearly marking each container with the date each period of accumulation began.

The CEI is stated to have observed that the Facility was failing to keep a daily recording of the tank's volume as part of its inspections. This was stated to constitute a violation by failing to document performance of its daily tank inspections within the Facility's operating record.

Safety-Kleen neither admits nor denies the factual allegations and determinations set out in the CA.

A civil penalty of \$12,600 is assessed. Further, the Facility is required to develop and submit to EPA (with a copy to Mississippi Department of Environmental Quality) a document that defines and describes the tanks at the Facility subject to Subpart CC and addresses various items detailed in Paragraph 61 of the CA.

A copy of the CA can be found [here](#).