

# Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Arlington, Oregon, Hazardous Waste Storage Facility Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Chemical Waste Management of the Northwest, Inc. (“CWM”) entered in to a September 25th Consent Agreement (“CA”) addressing alleged violations of the Resource Conservation Recovery Act (“RCRA”) Hazardous Waste Regulations. See Docket No. RCRA-10-2020-0111.

The CA provides that CWM operates a RCRA permitted hazardous waste storage facility (“Facility”) in Arlington, Oregon.

The Facility is operated pursuant to a hazardous waste permit for the storage, treatment and disposal of hazardous waste. The permit was issued by the State of Oregon.

EPA is stated to have conducted an inspection of the Facility on September 18, 2018, pursuant to Section 3007 of RCRA. The agency sent on March 4, 2019, an information request to CWM pursuant to Section 3007 of RCRA and Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act.

A response was stated to have been provided to EPA by CWM on April 2, 2019.

An alleged violation is cited which is described as:

- Failure to Establish Adequate Financial Responsibility for Sudden and Non-Sudden Accidental Occurrences

The CA references Permit Condition II.P.1 which incorporates 40 C.F.R. 264.147(a) and the documentation requirements of 40 C.F.R. 264.151 which mandates that the Facility:

. . . have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

CWM neither admits nor denies the specific factual allegations or legal conclusions contained in the CA.

The CA assesses a civil penalty of \$25,000.

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

