

# Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Western Illinois University Enter into Consent Agreement and Final Order



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

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The United States Environmental Protection Agency (“EPA”) and Western Illinois University (“Western”) entered into a February 11th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Illinois Administrative Code and Resource Conservation and Recovery Act (“RCRA”) addressing hazardous waste regulations. See Docket No. RCRA-05-2021-0010.

The CAFO provides that Western owns property and structures that constitute a facility (“Facility”) as that term is defined under 35 Ill. Adm. Code § 720.110.

Western is stated to be the owner or operator of a Facility. The Facility is stated to consist of land and structures, other appurtenances, and improvements on the land used for treating, storage, or disposal of hazardous waste.

Western is stated to have conducted chemistry and biology research and teaching in research and class laboratories. As relevant to the time periods addressed in the CAFO, Western’s collection of laboratory chemicals generated hazardous waste, which Western is stated to have collected in laboratory bottles, 2-liter bottles, and 55-gallon containers, and stored in the hazardous waste storage areas of the Facility.

Western is further stated to have temporarily stored containers of waste collected from various laboratories, maintenance areas, and other areas, as well as discarded materials, before the material was shipped elsewhere for treatment, storage, disposal, burning or incineration.

The hazardous waste is stated to have been characterized by Western with multiple waste codes as referenced in Paragraph 23 of the CAFO. Such waste is stated to have constituted a solid waste and hazardous waste as those terms are defined under the Ill. Adm. Code. Hazardous waste which was held in containers is stated to have constituted hazardous waste storage. Further, Western is stated to have constituted a generator that was managing and generating hazardous waste at the Facility.

EPA is stated to have conducted a Compliance Evaluation Inspection (“CEI”) on May 24, 2018.

The CEI is stated to have identified certain alleged violations:

- Storage of hazardous waste for more than 90 days
- Storage of hazardous waste in containers that were not marked with the start date of accumulation
- Failure to mark or label containers holding hazardous waste clearly with the words “Hazardous Waste”

- Failure to test and maintain fire protection to assure its proper operation in time of emergency
- Failure to amend the contingency plan when the list of emergency coordinators had changed
- Failure to provide Facility personnel with the initial required RCRA training, without applying for or obtaining a permit

A civil penalty of \$30,000 is assessed.

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