

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Neodesha, Kansas, Boat Manufacturer Enter into Consent Agreement



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

12/20/2023

The United States Environmental Protection Agency (“EPA”) and Cobalt Boats, LLC (“Cobalt”) entered into a November 3rd Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the federal and Kansas hazardous waste regulations. See Docket No. RCRA-07-2023-0149.

The CAFO provides that Cobalt operates a boat manufacturing facility (“Facility”) in Neodesha, Kansas.

EPA inspectors are stated to have conducted a RCRA Compliance Evaluation Inspection (“CEI”) of the hazardous waste management practices at the Cobalt Facility on or about February 15-16, 2022. The inspection is stated to have determined that Cobalt was operating at the time of inspection as a RCRA:

- Large Quantity Generator of hazardous waste
- Small Quantity Handler of universal waste
- Used oil generator

Cobalt is stated to have previously notified EPA in 2021 of its regulated activity as a Large Quantity Generator and obtained a RCRA I.D. number.

During the CEI the following were stated to be present:

- Waste acetone with organic concentration of at least 10 percent by weight
- Solvent contaminated wipes
- Waste resin
- Other wastes
- Used oil containers
- Waste batteries and waste lamps

The CAFO alleges the following violations:

- Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status
- Failure to monitor each pump in light liquid service
- Failure to visually inspect each pump in light liquid service
- Failure to monitor each valve in light liquid service
- Failure to maintain Subpart BB records

- Failure to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment
- Failure to have an adequate contingency plan
- Storage of incompatible materials
- Failure to locate a hazardous waste satellite accumulation container at or near the point of generation
- Failure to Comply with Universal Waste Manage Requirements
- Failure to label universal waste batteries
- Failure to contain universal waste lamps
- Failure to label universal waste lamps
- Failure to demonstrate the length of time that universal waste lamps had been accumulated
- Failure to Comply with Used Oil Regulations
- Failure to properly label used oil container

Cobalt is stated to neither admit nor deny the specific factual allegations and alleged violations.

A civil penalty of \$133,780 is assessed.

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