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February 22, 2022

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, D.C. 20460

Re: Freedom of Information Act Request

To Whom It May Concern:

This is a Freedom of Information Act request. This request is directed to the United States Environmental Protection Agency (EPA).

We request copies of certain settlement documents in connection with EPA's enforcement of RCRA entered into between U.S. EPA and respondent companies described in EPA news releases as follows:

1. **Aerosols Danville, Inc. formerly known as KIK Custom Products (Danville, Illinois facility)**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and Aerosols Danville, Inc. as referenced in EPA's July 26, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-reaches-settlement-aerosols-danville-regarding-hazardous-waste. A copy of the news release is attached hereto as **Attachment 1**.

2. **Fuchs Lubricants Co. of Kansas City, Kansas**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and Fuchs Lubricants Co. of Kansas City as referenced in EPA's July 27, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-penalizes-manufacturers-kansas-missouri-and-iowa-alleged-hazardous-waste. A copy of the news release is attached hereto as **Attachment 2**.

3. **United Industries Corporation of Vinita Park, Missouri**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and United Industries Corporation as referenced in EPA's July 27, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-penalizes-manufacturers-kansas-missouri-and-iowa-alleged-hazardous-waste. A copy of the news release is attached hereto as **Attachment 2**.

4. **DCW Casing LLC of Oelwein, Iowa**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and DCW Casing LLC as referenced in EPA's July 27, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-penalizes-manufacturers-kansas-missouri-and-iowa-alleged-hazardous-waste. A copy of the news release is attached hereto as **Attachment 2**.

5. **Safety Kleen Systems, Inc. (Dolton, Illinois facility)**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and Safety Kleen Systems, Inc. as referenced in EPA's July 28, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-reaches-settlement-safety-kleen-systems-inc-regarding-hazardous-waste. A copy of the news release is attached hereto as **Attachment 3**.

6. **Emerald Kalama Chemical, LLC (Kalama, Washington facility)**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and Emerald Kalama Chemical, LLC as referenced in EPA's February 8, 2021 news release, available at: https://www.epa.gov/newsreleases/epa-settles-emerald-kalama-chemical-llc-over-hazardous-waste-handling-storage. A copy of the news release is attached hereto as **Attachment 4**.

7. **Clean Harbors Environmental Services Inc. (Kimball, Nebraska facility)**: We request copies of the consent agreement/final order or other settlement documents entered into between EPA and Clean Harbors Environmental Services Inc. as referenced in EPA's August 31, 2021 news release, available at: https://www.epa.gov/newsreleases/united-states-and-state-nebraska-reach-settlement-clean-harbors-environmental-services. A copy of the news release is attached hereto as **Attachment 5**.

As to format, we prefer to receive the records as electronic PDFs to minimize photocopying costs, but are open to discussing other formats to save time and resources. Please contact us if the fees required for this request exceed five hundred dollars ($500.00).

Sincerely,

Joseph P. Douangphayvan
of PAUL HASTINGS LLP

Attachments

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EPA Reaches Settlement with Aerosols Danville Regarding Hazardous Waste

July 26, 2021

Contact Information
Joshua Singer (singer.joshua@epa.gov)
312-353-5069

Chicago, Ill. (July 26, 2021) U.S. Environmental Protection Agency announced today a settlement with Aerosols Danville, Inc. (formerly known as KIK Custom Products) to resolve alleged violations of the Resource Conservation and Recovery Act (RCRA) at the company's facility in Danville, Illinois. The settlement includes a $175,000 civil penalty.

"EPA is committed to protecting communities by enforcing companies' obligations to properly manage solid and hazardous waste," **said EPA Region 5 Acting Administrator Cheryl Newton.** "This settlement with Aerosols Danville reflects EPA's commitment to protect human health and the environment by ensuring compliance with state and federal environmental laws and advancing environmental justice."

Aerosols Danville is a beauty products production facility that generates spent ethanol. The company was required to comply with various provisions of RCRA's hazardous waste air emission regulations. EPA alleged that Aerosols Danville violated RCRA by failing to monitor valves and pumps for leaks, maintain records, tag valves and flanges, inspect roof closures, and obtain a written tank assessment. RCRA is the nation's primary law governing the management of solid and hazardous waste, which helps protect human health and the environment.

Under the terms of the consent agreement and final order with EPA, Aerosols Danville will address the alleged RCRA violations at the facility and pay a civil penalty of $175,000 to the federal government. The facility is located in a community with potential environmental justice concerns

based on its low-income population and proximity to a Superfund Site. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

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EPA Penalizes Manufacturers in Kansas, Missouri and Iowa for Alleged Hazardous Waste Violations

July 27, 2021

Contact Information
Curtis Carey (carey.curtis@epa.gov)
913-551-7506

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., July 27, 2021) - The U.S. Environmental Protection Agency (EPA) has reached settlements with three manufacturing companies that generate hazardous waste to resolve alleged violations of the federal Resource Conservation and Recovery Act (RCRA). According to EPA, the violations created the potential for releases of hazardous wastes, including harmful air emissions, from the companies' facilities.

"Reducing the potential for toxic air emissions at hazardous waste facilities is a top priority for EPA," said Diane Huffman, acting director of EPA Region 7's Enforcement and Compliance Assurance Division. "These facilities are located in communities that may already experience disproportionate environmental harm. Such concerns underscore the importance of ensuring facilities are complying with hazardous waste regulations."

Fuchs Lubricants Co. of Kansas City, Kansas, which manufactures lubricating oils and greases, paid a civil penalty of $255,344. United Industries Corporation of Vinita Park, Missouri, which manufactures herbicides, plant food, pesticides, cleaners, and pest repellants, agreed to pay a civil penalty of $95,000. DCW Casing LLC of Oelwein, Iowa, a manufacturer of a blood anticoagulant called heparin, paid a civil penalty of $80,562.

EPA inspected United Industries in 2018 and the other facilities in 2020. According to inspection findings, each company qualified as a "large quantity generator" of hazardous waste but they allegedly failed to meet the requirements of a facility producing that much waste, including applicable organic air emission requirements:

- Fuchs Lubricants failed to: properly label hazardous waste containers; maintain required aisle space; monitor and inspect pumps and valves; minimize hazardous waste air emissions; and identify an emergency coordinator in case of leaks. The facility also stored hazardous waste longer than regulatory requirements allow.
- United Industries failed to: conduct and document daily hazardous waste tank inspections; properly mark equipment; and equip a hazardous waste tank with a required fixed roof. Further, the EPA inspector found a crack in a secondary hazardous waste containment area.
- DCW Casing failed to: have a contingency plan for releases of hazardous waste; conduct and document hazardous waste training; and properly mark equipment and keep records.

Because these companies allegedly failed to meet each RCRA hazardous waste requirement for large quantity generators, each was operating as an unpermitted hazardous waste treatment, storage and disposal facility.

In response to the inspection findings, the companies agreed to take the necessary steps to return their facilities to compliance.

Federal law requires facilities that generate hazardous wastes to implement safe generation, handling, transportation, and disposal practices. Improper management of hazardous waste and certain equipment may cause harm to public health and the environment.

EPA identified the goal of reducing air emissions from hazardous waste facilities as one of seven National Compliance Initiatives <https://epa.gov/enforcement/national-compliance-initiatives> in 2019.

# # #

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EPA Reaches Settlement with Safety Kleen Systems, Inc. Regarding Hazardous Waste

June 28, 2021

Contact Information
Joshua Singer (singer.joshua@epa.gov)
312-353-5069

Chicago, Ill. (June 28, 2021) –U.S. Environmental Protection Agency announced today a settlement with Safety Kleen Systems, Inc. to resolve alleged violations of the Resource Conservation and Recovery Act (RCRA) at the company's facility in Dolton, Illinois. The settlement includes a $350,000 civil penalty.

"EPA is committed to protecting all communities by enforcing companies' obligations to properly manage solid and hazardous waste," **said EPA Region 5 Acting Administrator Cheryl Newton.** "This settlement with Safety Kleen reflects EPA's commitment to protect human health and the environment by ensuring compliance with state and federal environmental laws and advancing environmental justice."

Safety-Kleen's Dolton facility is a RCRA-permitted organic chemical and solvent reclamation and recycling facility that regenerates spent solvent and blends hazardous waste into fuel. EPA alleged that Safety-Kleen violated RCRA by treating hazardous waste in thin-film evaporators that were not authorized in Safety-Kleen's RCRA permit to treat hazardous waste. Maintaining permit coverage to correctly treat hazardous waste ensures that hazardous waste is controlled from the time it is generated until its ultimate disposal. EPA also alleged that Safety-Kleen violated several conditions of its RCRA permit and federally authorized Illinois RCRA regulations. RCRA is the nation's primary law governing the disposal of solid and hazardous waste, which helps protect human health and the environment from the potential hazards.

Under the terms of the Consent Agreement and Final Order with EPA, Safety-Kleen has addressed the alleged RCRA violations at the Dolton facility and will pay a civil penalty of $350,000. The Dolton facility is located in a community with environmental justice concerns. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

For more information about EPA's enforcement program, visit: https://www.epa.gov/enforcement/basic-information-enforcement <https://epa.gov/enforcement/basic-information-enforcement>

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EPA settles with Emerald Kalama Chemical, LLC over hazardous waste handling, storage violations

Facility agrees to modify practice and pay penalty to settle alleged violations

February 8, 2021

Contact Information
Mark MacIntyre (macintyre.mark@epa.gov)
2065537302

Seattle - The U.S. Environmental Protection Agency has settled with Emerald Kalama Chemical, LLC for alleged hazardous waste storage and handling violations at their Kalama, Washington facility. Emerald Kalama Chemical has agreed to pay a $121,478 penalty as part of the agreement.

During the visits, inspectors found multiple violations of the Resource Conservation and Recovery Act (RCRA) and Washington's EPA-approved Dangerous Waste program. These violations related to the storage and handling of hazardous wastes containing volatile organic compounds (VOCs) and the emissions standards applicable to storage containers and equipment.

Emerald Kalama Chemical shares the airshed with the town of Kalama (home to over 2,000 residents) in Cowlitz County, Washington. Failure to manage these wastes appropriately can lead to emissions of VOCs and hazardous air pollutants to nearby communities.

RCRA gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous wastes containing VOCs. The Department of Ecology administers RCRA within Washington State via its Dangerous Waste program. EPA has the authority to enforce Washington's Dangerous Waste program.

For more on EPA's National Compliance Initiative, please see the following link:

https://www.epa.gov/enforcement/national-compliance-initiative-reducing-hazardous-air-toxic-emissions-hazardous-waste <https://epa.gov/enforcement/national-compliance-initiative-reducing-hazardous-air-toxic-emissions-hazardous-waste>

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United States and State of Nebraska Reach Settlement with Clean Harbors Environmental Services Inc. for Violations of Multiple Environmental Laws

August 31, 2020

Contact Information
David Bryan, APR (bryan.david@epa.gov)
913-551-7433

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., Aug. 31, 2020) - Today, the United States and the state of Nebraska announced a settlement with Clean Harbors Environmental Services Inc. to address alleged violations of the Resource Conservation and Recovery Act, Clean Air Act, and Emergency Planning and Community Right-to-Know Act at the company's commercial hazardous waste incinerator in Kimball, Nebraska.

The alleged violations included failure to manage and contain hazardous wastes; failure to comply with air emission limits; failure to comply with chemical accident prevention safety requirements; and failure to timely report use of certain toxic chemicals. Under the terms of the settlement, the company agreed to pay a $790,000 civil penalty and will improve facility practices to protect facility workers and the surrounding community from potentially harmful releases of pollutants.

Reducing risks from such accidental releases of hazardous substances at industrial and chemical facilities is a top priority for EPA and is identified as one of seven National Compliance Initiatives for the Agency.

"Today's settlement addresses the repeat violations observed through numerous state and federal inspections at Clean Harbors' Kimball facility," said EPA Region 7 Administrator Jim Gulliford. "We are encouraged by the positive steps taken by the company to protect its workers and those living in the Kimball community and downwind from the facility."

According to the U.S. Environmental Protection Agency (EPA) and the Nebraska Department of Environment and Energy (NDEE), the Kimball facility has been subject to previous enforcement actions, including penalty assessments, in 1997, 2004 and 2010.

Clean Harbors Environmental Services Inc. operates over 150 facilities throughout the U.S. and Canada, including landfills, wastewater treatment facilities, and incineration and recycling centers.

According to EPA and NDEE, improper management of wastes incinerated at the facility led to unsafe conditions that could result in employee injury and/or releases of harmful air pollution outside the facility. For example, the agencies allege that Clean Harbors failed to address multiple fire incidents resulting from the company's mixing of incompatible wastes.

Terms of the settlement include upgraded plans to classify, manage and contain the wastes incinerated at the facility; an updated fire prevention and response program; and the performance of an environmental audit at the facility to identify and address any continuing noncompliance.

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