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In the Matter of:	:	STIPULATION AND CONSENT ORDER
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Clean Harbors Environmental Services, Inc.	:	No. 2212143
Notice of Violation and Order to Comply	:	
No. 2201008	:	
MAD039322250	:	

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This **STIPULATION AND CONSENT ORDER** (CONSENT ORDER) is issued by the Director of the Utah Division of Waste Management and Radiation Control (Director) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Administrative Code R315 (the Rules), and Utah Code § 19-6-101, *et seq.*

JURISDICTION

1. The Director has jurisdiction over the subject matter of this CONSENT ORDER pursuant to Utah Code §§ 19-6-107 and 19-6-112 and jurisdiction over Clean Harbors Environmental Services, Inc. (CHES) owned and operated by Clean Harbors Environmental Services, Inc. CHES consents to and will not challenge issuance of this CONSENT ORDER or the Director’s jurisdiction to enter and enforce this ORDER. CHES and the Director are the parties to this agreement. The Waste Management and Radiation Control Board (Board) has authority to review and approve or disapprove this CONSENT ORDER pursuant to Utah Code § 19-6-104(1)(e).

FINDINGS

2. CHES is incorporated in the State of Massachusetts and registered to conduct business in the State of Utah. CHES is the “owner and operator” of Clean Harbors Environmental Services, Inc.
3. CHES submitted EPA Form 8700-12 to notify as a transporter of hazardous waste on November 5, 2019. CHES transports listed and characteristic hazardous waste as defined by R315-261 of the Utah Administrative Code (UAC).
4. CHES is a “person” as defined in Utah Code § 19-1-103(4) and is subject to all applicable provisions of the UAC (the Rules), and the Act.

5. During Division of Waste Management and Radiation Control (Division) inspections at Clean Harbors Aragonite on June 2, June 29, and December 1, 2021; the inspectors identified discrepancies and mismanagement of waste by CHES. CHES manifested and transported hazardous waste as non-hazardous.
6. On March 28, 2022, the Director issued a Notice of Violation and Order to Comply (NOV/OC) to CHES.
7. On April 20, 2022, CHES and the Division entered into a Tolling Agreement to extend the response deadline to June 26, 2022.
8. On May 25, 2022, CHES filed a written response to the NOV/OC stating, in part, it has modified its procedures to “prevent similar mistakes in the future and ensure that qualified personnel are making all waste determinations and preparing appropriate manifests.”
9. In accordance with the Civil Penalty Policy, Utah Admin. Code R315-102 of the Rules, which considers such factors as the gravity of the violations, the extent of deviation from the rules, the potential for harm to human health and the environment, good faith efforts to comply, and other factors, the Director calculated and proposed a penalty based on the violations alleged in the NOV/OC No. 2201008.

STIPULATION AND CONSENT ORDER

10. This CONSENT ORDER has been negotiated in good faith and the parties now wish to fully resolve NOV/OC No. 2201008 without further administrative or judicial proceedings.
11. The Division calculated a total penalty of \$40,080.00 (forty thousand eighty dollars).
 - (a) In full settlement of the violations alleged in NOV/OC No. 2201008, CHES shall pay a penalty of \$20,040.00 (twenty thousand forty dollars). Payment shall be made within thirty days of the effective date of this CONSENT ORDER. Payment shall be made to the State of Utah, Department of Environmental Quality, c/o Douglas J. Hansen, Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, Utah 84114-4880.
 - (b) The Director agrees to hold in abeyance \$20,040.00 (twenty thousand forty dollars) of the total penalty so long as CHES complies with the terms set forth below in ¶ 12.

12. The Director hereby Orders CHES to provide:

- (a) To the Director for approval, its standard operating procedures for tanker cleanouts that include steps to verify proper documentation and management of waste disposal.
- (b) Within 30 days of the effective date of this CONSENT ORDER, amendments to Clean Harbors standard operating procedures, including:
 - i. Amendments to the Clean Harbors Aragonite “OFFC and Reject Resolution Program” provisions concerning rejected waste and repacking of waste to ensure that only trained employees who directly manage waste at the Clean Harbors Aragonite and Clean Harbors Clive facilities will be responsible for creating waste profiles and manifests for rejected waste; and
 - ii. Incorporation of similar amendments into the company-wide standard operating procedures provided in “BMP 20.0 US Waste Rejection Procedure.”
- (c) Within 90 days of the effective date of this CONSENT ORDER, documentation to demonstrate that Clean Harbors has trained all relevant employees at Clean Harbors Aragonite and Clean Harbors Clive on the amendments provided in (b);
- (d) Within 30 days of the effective date of this CONSENT ORDER, a list of Clean Harbors subsidiaries or other business entities under the umbrella of Clean Harbors, including, but not limited to, those listed as subsidiaries in the Form 10-K that Clean Harbors, Inc. files with the Securities and Exchange Commission, doing business in Utah, their registered business names, and their addresses.
- (e) To the Director each month for the next 12 months, beginning the month of the effective date of this signed CONSENT ORDER, electronic records of all hazardous waste and non-hazardous waste tanker cleanouts to demonstrate that wastes have been properly removed, documented, and disposed of from each tanker prior to it being sent to collect additional waste. These records are due on the 15th of the month following the tanker cleanout and shall include a RCRA signature certification:

“I certify under penalty of law that this collection of these records was prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and

belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

EFFECT OF CONSENT ORDER

13. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. The obligations in this CONSENT ORDER apply to and are binding upon the Division and upon CHES and any of CHES’s successors, assigns, or other entities or persons otherwise bound by law.
14. The stipulations contained herein are for the purposes of settlement and shall not be considered admissions by any party and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER. Nothing contained herein shall be deemed to constitute a waiver by the State of Utah of its right to initiate enforcement action, including civil penalties, against CHES in the event of future non-compliance with this CONSENT ORDER, with the Act, and with the Rules; nor shall the State of Utah be precluded in any way from taking appropriate action should such a situation arise again at the CHES facility. However, entry into this CONSENT ORDER shall relieve CHES of all liability for violations which did arise or could have arisen with respect to the allegations contained in NOV/OC No. 2201008.

PUBLIC PARTICIPATION

15. This CONSENT ORDER shall be subject to public notice and comment for a period of at least 30 days (Comment Period) in accordance with Utah Admin. Code R315-124-34. The Director reserves the right to withdraw or withhold its consent if any comment received during the Comment Period disclose facts or consideration indicating the CONSENT ORDER is inappropriate, improper, or inadequate.

EFFECTIVE DATE

16. This CONSENT ORDER shall become effective upon the date of execution by the Director.
17. This CONSENT ORDER includes a civil penalty in excess of \$25,000 and therefore must be presented to, reviewed by, and approved or disapproved by the Board pursuant to Utah Code § 19-6-104(1)(e). Final execution by the Director shall not occur until it is approved by the Board. This CONSENT ORDER will be presented to the Board following the Comment Period. All public comments, and the Director’s responses, shall be provided to the Board.

SIGNATORY

18. The undersigned representative of CHES certifies he is authorized to enter into this CONSENT ORDER and to execute and legally bind CHES.

Pursuant to the Utah Solid and Hazardous Waste Act (the Act), Utah Code § 19-6-101, *et seq.*, in the Matter of CHES Notice of Violation and Order to Comply No. 2201008, the parties hereto mutually agree and consent to STIPULATION AND CONSENT ORDER 2212143 as evidenced below:

CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

THE STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WASTE MANAGEMENT
AND RADIATION CONTROL

Rebecca Underwood, President & EVP

Douglas J. Hansen, Director

Date: _____

Date: _____