

**FILED**

Sep 25, 2024

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U.S. EPA REGION 5  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

**IN THE MATTER OF:** ) Docket No.: RCRA-05-2024-0025  
)  
)  
Veolia ES Technical Solutions, LLC )  
W124 N 9451 Boundary Road ) **EXPEDITED SETTLEMENT**  
Menomonee Falls, Wisconsin 53051 ) **AGREEMENT AND**  
EPA ID. No. WID003967148 ) **FINAL ORDER**  
)  
Respondent )  
)

**EXPEDITED SETTLEMENT AGREEMENT**

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Veolia ES Technical Solutions, LLC (“Respondent”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$8,750.
2. EPA inspected Veolia ES Technical Solutions, LLC on August 2-3, 2023, and has reviewed the information you provided on August 8, 2023, and May 14, 2024. Complainant has determined Respondent violated the following sections of RCRA, and the Wisconsin hazardous waste management program, Wis. Admin. Code §§ NR 660 through NR 699 et seq.<sup>1</sup>, at Respondent’s facility located at W124 N 9451 Boundary Road, Menomonee Falls, Wisconsin 53051 (the “Facility”):
  - a. Under Wis. Admin. Code § NR 662.034(1)(c), a large quantity generator must label or clearly mark each container holding hazardous waste with the words “Hazardous Waste.” At the time of the inspection, a tote was staged in Depack East with a funnel in the top. The tote was approximately one-third full of waste and was missing the required label at the time it was observed. Under Wis. Admin. Code § NR 662.034(3)(a)2., a large quantity generator must mark a satellite container with either the words “Hazardous Waste” or with other words that identify the contents of the container. At the time of inspection, one (1) satellite drum of used PPE was observed without a label in the Stabilization building. One (1) satellite drum of used PPE was observed without a label in the Household Hazardous Waste (HHW) area of Depack East.

1. See Wis. Admin. Code NR 662. EPA is enforcing Wisconsin hazardous waste management program requirements as approved and authorized by the United States on January 31, 1986 (see 51 FR 3783) and the revisions to the hazardous waste program as approved and authorized by the United States through April 17, 2009 (see 74 FR 17785).

Respondent's failure to properly label a hazardous waste container violated Wis. Admin. Code § NR 662.034(1)(c).

- b. Under Wis. Admin. Code § NR 664.0033, "All facility communications or alarm systems, fire protection equipment, spill control equipment and decontamination equipment, where required, shall be tested and maintained as necessary to assure its proper operation in time of emergency." At the time of the inspection, a fire extinguisher was observed in the Stabilization building with an out-of-date inspection tag. Veolia showed proof of the annual recertification occurring on August 3, 2023, which was at the time of the inspection. Respondent's failure to test and maintain fire protection equipment violated Wis. Admin. Code § NR 664.0033.
- c. Under Veolia ES Technical Solutions, LLC License Number 3135, Conditions of Approval, Container Conditions 26, "Veolia shall store waste in structurally sound (undamaged) U.S. DOT approved containers." At the time of inspection, two (2) 55-gallon poly drums containing corrosive material and with sucked-in sides were observed in the RCRA Storage Building. Respondent's failure to store waste in structurally sound U.S. DOT approved containers violated License Number 3135, Conditions of Approval, Container Conditions 26.
- d. Under Veolia ES Technical Solutions, LLC License Number 3135, Conditions of Approval, Container Conditions 35, containers shall be covered or closed except when adding or removing waste. At the time of inspection, two (2) totes were staged in Depack East with funnels in the tops. One (1) of the totes was approximately one-third full of liquid waste while the other appeared empty. The tote which the Inspectors observed containing waste was not closed or being actively filled at the time it was observed. Respondent's failure to cover or close a waste container violated 3135, Conditions of Approval, Container Conditions 35.
- e. Under Veolia ES Technical Solutions, LLC License Number 3135, Conditions of Approval, Container Conditions 28, "Containers shall be placed in the storage area so that labels are visible from the aisles." At the time of inspection in the RCRA Storage Building, due to the number of small containers observed on some pallets, labels were not visible on each container. Respondent's failure to place containers so that labels are visible from the aisles violated License Number 3135, Conditions of Approval, Container Conditions 28.
- f. Under Wis. Admin. Code § NR 662.011, a generator must determine whether its waste is hazardous. At the time of the inspection, Veolia had not made a determination whether the waste generated during sampling of incoming waste was hazardous and was disposing of waste sampling equipment as non-

hazardous. Respondent's failure to make a hazardous waste determination violated Wis. Admin Code § NR 662.011.

3. The EPA and Respondent agree that settlement of this matter for a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) is in the public interest.
4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)–(3).
5. EPA provided notice of commencement of this action to the state of Wisconsin pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order and its right to appeal this Expedited Settlement Agreement and Final Order.
7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of eight thousand seven hundred fifty dollars (\$8,750) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Shawn Cole  
Land Enforcement and Compliance Assurance Branch

U.S. Environmental Protection Agency, Region 5  
[Cole.Shawn@epa.gov](mailto:Cole.Shawn@epa.gov) and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Robert Thompson  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[Thompson.Robertl@epa.gov](mailto:Thompson.Robertl@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by electronic mail at the following valid e-mail addresses: [Thompson.Robertl@epa.gov](mailto:Thompson.Robertl@epa.gov) (for Complainant), and [Susan.Handrick@veolia.com](mailto:Susan.Handrick@veolia.com) (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.

IT IS SO AGREED,

PAUL McSHANE

Name (print)

General Manager

Title (print)

Paul McShane

Signature

9/19/24  
Date

APPROVED BY EPA:

**MICHAEL  
HARRIS**

 Digitally signed by MICHAEL  
HARRIS  
Date: 2024.09.25 09:26:19 -05'00'

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

**In the Matter of:**

Veolia ES Technical Solutions, LLC

**Docket No.:** RCRA-05-2024-0025

**FINAL ORDER**

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

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Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5