

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. RCRA-10-2024-0232
)	
PARKER-HANNIFIN CORPORATION,)	CONSENT AGREEMENT
)	
Enumclaw, Washington,)	
)	
Respondent.)	
)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 3008 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928.

1.2. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA granted the State of Washington final authorization to administer and enforce a hazardous waste program and to carry out such program in lieu of the federal program (“Washington Dangerous Waste Program”).

1.3. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce the federally-approved Washington Dangerous Waste Program codified in the Washington Administrative Code (“WAC”) 173-303-010 *et seq.* For the purposes of the allegations in this Consent Agreement, Washington revised the Washington Dangerous Waste Program effective December 31, 2014. EPA authorized these changes on March 9, 2018. 83 Fed. Reg. 10383 (Mar. 9, 2018).

1.4. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), notification of this action has been given to the State of Washington.

1.5. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and Parker-Hannifin Corporation (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Compliance Assurance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

Statutory and Regulatory Background

3.1 The Washington Dangerous Waste Program is codified at WAC 173-303. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Dangerous Waste Program is in lieu of the federal RCRA Subtitle C hazardous waste regulations.

3.2 The regulation at WAC 173-303-016(3)(a) defines “solid waste” as “any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).” In accordance with WAC 173-303-016(4), materials are solid wastes if they are abandoned by being disposed of, burned or incinerated, or accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

3.3 The regulation at WAC 173-303-040 defines “dangerous wastes” to mean “those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste.” In accordance with WAC 173-303-070(3), a solid waste is a “dangerous waste” if, among other things, the waste is a listed dangerous waste source under WAC 173-303-082 or the waste exhibits any dangerous waste characteristics identified in WAC 173-303-090.

3.4 In accordance with WAC 173-303-800(2), the owner or operator of a dangerous waste facility that transfers, treats, stores, or disposes or recycles dangerous waste must obtain a permit covering, among other things, the active life, closure period, and groundwater protection compliance period for any regulated unit.

3.5 A generator may accumulate dangerous waste without first acquiring a permit under WAC 173-303-800(2) for 90 days or less, provided that the generator complies with the conditions for exemption set forth at WAC 173-303-200.

3.6 The term “generator” is defined at WAC 173-303-040 to mean “any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.”

3.7 The term “person” is defined at WAC 173-303-040 to mean, among other things, any corporation.

3.8 Pursuant to WAC 173-303-573(6), a small quantity handler of universal waste is required to comply with the requirements set forth in WAC 173-303-573(6) through (16).

3.9 The term “universal waste” is defined at WAC 173-303-040 to include the following dangerous wastes: batteries as described in WAC 173-303-573(2), and lamps as described in WAC 173-303-573(5).

3.10 The term “small quantity handler of universal waste” is defined at WAC 173-303-040 to mean a universal waste handler who does not accumulate 11,000 pounds or more of universal waste and/or who does not accumulate more than 2,200 pounds of lamps at any time.

3.11 The term “universal waste handler” is defined at WAC 173-303-040 to include a generator of universal waste.

3.12 The regulation WAC 173-303-515 sets forth the standards applicable to generators of used oil.

3.13 The term “used oil” is defined at WAC 173-303-040 to mean “any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.”

General Allegations

3.14 Respondent is a corporation organized under the laws of the State of Ohio and authorized to do business in the State of Washington.

3.15 Respondent is a “person” as that term is defined in WAC 173-303-040.

3.16 At all times relevant to this Consent Agreement, Respondent operated the Parker Hannifin facility located at 225 Battersby Avenue, Enumclaw, Washington, 98022 (“Facility”), which manufactures rotary actuators from raw materials that are used in various industrial processes, such as mining, agriculture, and construction.

3.17 On January 18, 2023, EPA conducted a RCRA compliance evaluation inspection at the Facility (“Inspection”), pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

3.18 Between October 1, 2019 and July 31, 2024, Respondent generated “solid wastes” at the Facility, as that term is defined in WAC 173-303-016(3)(a), including painting debris, paint booth filters, and spent solvent and paint mixtures.

3.19 At all times relevant to this Consent Agreement, the solid wastes listed in Paragraph 3.18 were dangerous wastes pursuant to WAC 173-303-070(3) because they were either listed, pursuant to WAC 173-303-082, in WAC 173-303-9904 or exhibited a dangerous waste characteristic pursuant to WAC 173-303-090.

3.20 Therefore, at all times relevant to this Consent Agreement, Respondent was a “generator” of “dangerous waste” at the Facility as those terms are defined in WAC 173-303-040.

3.21 At the time of the Inspection, Respondent generated universal waste lamps and batteries in quantities within the small quantity handler of universal waste thresholds.

3.22 Therefore, at all times relevant to this Consent Agreement, Respondent was a “small quantity handler of universal waste” as that term is defined in WAC 173-303-040.

3.23 Respondent’s Facility has been assigned the following EPA RCRA ID Number: WAD988493573.

Count 1: Storage and Treatment of Dangerous Waste Without a Permit

3.24 Paragraphs 3.1 through 3.23 are incorporated herein by reference as if they were set forth in their entirety.

3.25 At no time relevant to this Consent Agreement did Respondent have a permit to store dangerous waste issued pursuant to WAC 173-303-800(2).

3.26 Therefore, at all times relevant to this Consent Agreement, Respondent was required to accumulate dangerous waste in accordance with the conditions for exemption from obtaining a permit contained in WAC 173-303-200.

Failure to Comply with Satellite Accumulation Requirements

3.27 The regulation at WAC 173-303-040 defines “satellite accumulation area” as “a location at or near any point of generation where hazardous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated ninety-day accumulation area or storage area. The area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes into the satellite containers.”

3.28 Pursuant to WAC 173-303-200(2)(a), a generator may accumulate up to fifty-five gallons of dangerous waste in satellite containers—so long as the generator complies with the requirements set forth therein.

3.29 The regulations at WAC 173-303-200(2)(a)(ii) and WAC 173-303-200(1)(d) require that the generator clearly mark containers of dangerous waste with a label or sign with the words “dangerous waste” or “hazardous waste” and the major risks associated with the waste held inside the container.

3.30 The regulations at WAC 173-303-200(2)(a)(i) and WAC 173-303-630(5)(a) require that a container of dangerous waste must always be closed, except when it is necessary to add or remove waste.

3.31 Pursuant to WAC 173-303-040, a “container” is any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

3.32 At the time of the Inspection, EPA observed the following containers of waste being managed as satellites:

- a. Two approximately three-gallon containers used to accumulate wipes that were characterized as dangerous waste. The containers lacked labels or signs with the words “hazardous waste” or “dangerous waste” and lacked labels or signs that identified the major risk(s) associated with the waste. The containers sat open.
- b. Three approximately three-gallon containers used to accumulate paint-solvent mixtures that were characterized as dangerous waste. The containers lacked labels or signs with the words “hazardous waste” or “dangerous waste” and lacked labels or signs that identified the major risk(s) associated with the waste. The containers sat open.
- c. One fifty-five-gallon drum accumulating paint that was characterized as dangerous waste. The containers lacked labels or signs with the words “hazardous waste” or “dangerous waste” and lacked labels or signs that identified the major risk(s) associated with the waste.
- d. One fifty-five-gallon drum of dangerous waste paint wipes. The drum lacked “hazardous waste” or “dangerous waste” labels. The drum also lacked a label or

sign that identified the major risk(s) associated with the waste. The drum was also utilized as a secondary satellite not at or near the point of generation.

- e. One fifty-five-gallon drum with an attached aerosol can puncturing device that was characterized as dangerous waste. The containers lacked labels or signs with the words “hazardous waste” or “dangerous waste” and lacked labels or signs that identified the major risk(s) associated with the waste.

3.33 Therefore, at the time of the Inspection, Respondent failed to comply with satellite area requirements pursuant to WAC 173-303-200(2) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Conduct Weekly Inspections

3.34 Pursuant to WAC 173-303-200(1)(b)(i) and WAC 173-303-630(6), generators must conduct inspections of the areas where containers are stored for leaks and deterioration at least weekly. The owner or operator must maintain a log that complies with the minimum requirements of WAC 173-303-630(6) and keep the log at the facility for at least five years.

3.35 At all times relevant to this Consent Agreement, Respondent stored dangerous waste in containers at the Facility.

3.36 Between October 17, 2019 and June 1, 2024, Respondent failed to conduct and/or provide logs for 75 weekly inspections as required by WAC 173-303-630(6).

3.37 Therefore, between October 17, 2019 and June 1, 2024, Respondent failed to conduct and log inspections at least weekly pursuant to WAC 173-303-200(1)(b)(i) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Label Containers of Dangerous Waste

3.38 Pursuant to WAC 173-303-200(1)(d), a generator may accumulate dangerous waste without a permit for no more than 90 days provided that, while dangerous waste is being accumulated on site, each container is labeled or marked clearly with the words “dangerous waste” or “hazardous waste.” Each container must also be marked with a label or sign that identifies the major risk(s) associated with the waste in the container.

3.39 At the time of the Inspection, EPA observed the following containers of dangerous waste at the Facility:

- a. Two cubic yard boxes of dangerous waste paint booth filters. Both boxes lacked “hazardous waste” or “dangerous waste” labels. Both boxes also lacked labels or signs that identified the major risk(s) associated with the waste.
- b. At least seven 55-gallon drums labeled as hazardous waste. All drums lacked labels or signs that identified the major risk(s) associated with the waste.

3.40 Therefore, at the time of the Inspection, Respondent failed to properly label all containers of dangerous waste pursuant to WAC 173-303-200(1)(d) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Close Containers of Dangerous Waste

3.41 Pursuant to WAC 173-303-200(1)(b)(i) and WAC 173-303-630(5), generators must keep containers of dangerous waste closed except when necessary to add or remove waste.

3.42 At the time of the Inspection, one cubic-yard box in the painting area contained dangerous waste and sat open.

3.43 At the time of the Inspection, the cubic-yard box was not being used to add or remove waste.

3.44 Therefore, at the time of the Inspection, Respondent failed to keep containers of dangerous waste closed pursuant to WAC 173-303-200(1)(b)(i) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Treatment of Dangerous Waste without a Permit

3.45 Treatment, as that term is defined at WAC 173-303-040, means “the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).”

3.46 Between the date of the Inspection and on or around June 1, 2024, Respondent was allowing the contents of 3-gallon buckets to dry, which altered their physical and chemical states.

3.47 The 3-gallon buckets contained paint and solvent mixtures categorized as a dangerous waste.

3.48 Therefore, between the date of the Inspection and on or around June 1, 2024, Respondent treated dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Conduct General Facility Inspections

3.49 Pursuant to WAC 173-303-200(1)(e)(ii) and WAC 173-303-320(1), a generator must inspect the facility for malfunctions, deterioration, operator errors, and discharges that

could constitute a threat to human health or the environment. Such inspections must be conducted often enough to prevent harm to human health or the environment.

3.50 Pursuant to WAC 173-303-200(1)(e)(ii) and WAC 173-303-320(2) the owner or operator must develop and follow a written schedule for inspections that is kept at the facility and retain a log of performed inspections for at least five years.

3.51 At all times relevant to this Consent Agreement, Respondent's schedule for general facility inspections at the Facility was once per month.

3.52 Between January 1, 2020 and July 31, 2024, Respondent failed to perform and/or log 25 general facility inspections as required by WAC 173-303-320.

3.53 Therefore, between January 1, 2020 and July 31, 2024, Respondent failed to conduct general facility inspections pursuant to WAC 173-303-200(1)(e)(ii) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Train Facility Personnel

3.54 Pursuant to WAC 173-303-200(1)(e)(i) and WAC 173-303-330, a generator is required to provide instruction or on the job training for all facility personnel and keep records documenting employee trainings.

3.55 Pursuant to WAC 173-303-330(1) personnel must be trained on how to "perform their duties in a way that ensures the facility's compliance with [the Washington Dangerous Waste Program], must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, [and] must ensure that facility personnel are able to respond effectively to

emergencies...” WAC 173-303-330(1)(a) through (e) sets forth timing and minimum requirements for personnel trainings.

3.56 Pursuant to WAC 173-303-330(2), the owner or operator is required to develop a training plan in writing and keep the plan at the facility. The plan must include personnel information for each position related to dangerous waste management, ongoing training expectations for personnel, and documentation that personnel have completed necessary trainings.

3.57 Pursuant to WAC 173-303-330(3), training records for current personnel must be kept until the facility’s closure and training records for former employees must be kept until three years have passed since the employee’s last day of employment at the facility.

3.58 Between the date of the Inspection and on or around June 1, 2024, Respondent’s training for its Facility personnel failed to discuss Washington State’s dangerous waste regulations and failed to meet the minimum requirements of WAC 173-303-330(1), Respondent failed to develop a training plan with the necessary personnel information as required by WAC 173-303-330(2), and Respondent failed to keep records for all current and prior employees of the past three years pursuant to WAC 173-303-330(3).

3.59 Therefore, between the date of the Inspection and on or around June 1, 2024, Respondent failed to properly train personnel pursuant to WAC 173-303-200(1)(e)(i) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

Failure to Maintain a Contingency Plan

3.60 Pursuant to WAC 173-303-200(1)(e)(i) and WAC 173-303-350, the owner or operator of a facility must develop a contingency plan to lessen the potential impacts of emergencies and accidents, and must be prepared to implement the plan immediately if necessary.

3.61 The term “contingency plan” is defined in WAC 173-303-040 to mean “a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten human health or environment.”

3.62 Pursuant to WAC 173-303-350(2), the owner or operator of a facility may use an amended Spill Prevention Control and Countermeasures Plan (“SPCC Plan”) to satisfy the requirements of WAC 173-303-350 if the SPCC Plan incorporates dangerous waste provisions and otherwise complies with WAC 173-303-350 and WAC 173-303-360.

3.63 Between the date of the Inspection and July 10, 2024, Respondent utilized an SPCC Plan, an Emergency Action Plan, and a Business Continuity Plan for its emergency response planning at the Facility.

3.64 Pursuant to WAC 173-303-350(3)(b), the facility’s contingency plan must describe “the actions which will be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported...”

3.65 At all times relevant to this Consent Agreement, the Facility’s SPCC Plan, Emergency Action Plan, and Business Continuity Plan failed to consider the Facility’s response

to the arrival of a shipment of dangerous waste that presents a hazard to human health and the environment, and which may not be readily transported off site, as required by WAC 173-303-350(3)(b).

3.66 Pursuant to WAC 173-303-350(3)(c), a facility's contingency plan must describe the "arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required in WAC 173-303-340(4)." WAC 173-303-340(4) requires facilities to, at minimum, attempt to make arrangements with police, fire departments, emergency response teams, local hospitals, state emergency response teams, emergency response contractors, and equipment suppliers where the hazards posed by wastes handled at the facility would warrant such arrangements.

3.67 At all times relevant to this Consent Agreement, the Facility generated and handled dangerous waste in such a way that warranted arrangements with police, fire departments, emergency response teams, local hospitals, state emergency response teams, emergency response contractors, and equipment suppliers.

3.68 However, between the date of the Inspection and July 29, 2024, Respondent failed to make the necessary arrangements with local police departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required by WAC 173-303-350(3)(c) and WAC 173-303-340(4).

3.69 Pursuant to WAC 173-303-350(3)(d), the facility's contingency plan must contain a "current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1) ..."

3.70 At the time of the Inspection, Respondent's SPCC Plan listed an emergency coordinator who was no longer employed at the facility and failed to list a home address, telephone number, or alternate emergency coordinator as required by WAC 173-303-350(3)(d).

3.71 Therefore, between the date of the Inspection and July 29, 2024, Respondent failed to maintain a proper contingency plan pursuant to WAC 173-303-200(1)(e)(i) and stored dangerous waste at the Facility without complying with the conditions for exemption from obtaining a permit.

3.72 Therefore, between October 17, 2019 and July 29, 2024, Respondent stored and treated dangerous waste at the Facility without a permit and without complying with the conditions for exemption from the permit requirement at WAC 173-303-200, in violation of WAC 173-303-800(2).

Count 2: Failure to Comply with Universal Waste Lamp Requirements

3.73 Paragraphs 3.1 through 3.72 are incorporated herein by reference as if they were set forth in their entirety.

3.74 The terms "lamp" and "universal waste lamp" refer to "any type of high or low pressure bulb or tube portion of an electric lighting device that generates light through the discharge of electricity either directly or indirectly as radiant energy," pursuant to WAC 173-303-040.

3.75 Pursuant to WAC 173-303-573(9)(c), containers of lamps must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3.76 At the time of the Inspection, Respondent accumulated at least three boxes of lamps, which were “lamps” as that term is defined in WAC 173-303-040.

3.77 At the time of the Inspection, all three boxes of lamps were open and one of the boxes was overflowing with lamps.

3.78 Therefore, Respondent violated WAC 173-303-573(9)(c).

Count 3: Failure to Comply with Universal Waste Battery Requirements

3.79 Paragraphs 3.1 through 3.78 are incorporated herein by reference as if they were set forth in their entirety.

3.80 The term “battery” refers to “a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed,” pursuant to WAC 173-303-040.

3.81 Pursuant to WAC 173-303-573(10), small quantity handlers of universal waste must label or mark the waste batteries (either on the container or each battery) to identify one of the following phrases: “Universal Waste Battery(ies),” “Waste Battery(ies),” or “Used Battery(ies).”

3.82 At the time of the Inspection, Respondent accumulated around fifteen loose universal waste batteries, as that term is defined in WAC 173-303-040, that lacked the necessary markings or labels.

3.83 Therefore, Respondent violated WAC 173-303-573(10).

Counts 4-5: Failure to Comply with Universal Waste Time Limits

3.84 Paragraphs 3.1 through 3.83 are incorporated herein by reference as if they were set forth in their entirety.

3.85 Pursuant to WAC 173-303-573(11)(a) and (c), small quantity handlers of universal waste may accumulate universal waste for up to one year from the date the waste was generated and must be able to demonstrate the length of time the waste has been accumulated.

3.86 At the time of the Inspection, Respondent accumulated at least fifteen universal waste batteries for which it could not demonstrate the length of time the batteries had been accumulated.

3.87 At the time of the Inspection, Respondent accumulated one container of universal waste lamps beyond one year from the date that it was generated.

3.88 Therefore, Respondent violated WAC 173-303-573(11) on two occasions.

Count 6: Failure to Label Containers of Used Oil

3.89 Paragraphs 3.1 through 3.88 are incorporated herein by reference as if they were set forth in their entirety.

3.90 Pursuant to WAC 173-303-515(6) and 40 C.F.R. § 279.22(c)(1), generators of used oil must clearly mark aboveground tanks used to store used oil with the words “Used Oil.”

3.91 At the time of the Inspection, Respondent accumulated at least one 55-gallon drum containing greases and other oil-based lubricants that was unlabeled.

3.92 Therefore, Respondent violated WAC 173-303-515(6).

Count 7: Failure to Submit an Annual Report According to the Instructions on the Form

3.93 Paragraphs 3.1 through 3.92 are incorporated herein by reference as if they were set forth in their entirety.

3.94 Pursuant to WAC 173-303-220(1)(a), a generator that has obtained an EPA/state identification number pursuant to WAC 173-303-060 must submit Dangerous Waste Annual Reports to the State of Washington by March 1 for the prior calendar year. Reporters must comply with the instructions on the form.

3.95 Respondent submitted annual reports for calendar years 2021 and 2022 that inaccurately reported several quantities of waste shipments.

3.96 Therefore, Respondent violated WAC 173-303-220(1)(a).

Enforcement Authority

3.97 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$121,275 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

IV. TERMS OF SETTLEMENT

- 4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.
- 4.2. Respondent neither admits nor denies the specific factual allegations and legal conclusions contained in this Consent Agreement.
- 4.3. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$366,000 (the “Assessed Penalty”).

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: www.epa.gov/financial/makepayment. Payments made by check must be payable to the order of “Treasurer, United States of America” and delivered to the following address:

*Address format for standard delivery
(no delivery confirmation requested):*

U.S. Environmental Protection Agency
P.O. Box 979078
St. Louis, MO 63197-9000

*Address format for signed receipt confirmation
(FedEx, DHL, UPS, USPS certified, registered,
etc):*

U.S. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Kyle Masters
U.S. Environmental Protection Agency
Region 10
Masters.Kyle@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with interest, handling charges, and nonpayment

penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

a. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order attached hereto, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order attached hereto.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the Assessed Penalty is more than 30 days past due.

c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective action within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. Based on the findings contained in this Consent Agreement, Respondent is also ordered to comply with the following requirement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

a. No later than March 31, 2025, Respondent shall submit to the EPA all weekly inspection logs, as required by WAC 173-303-200(1)(b)(i) and WAC 173-303-630(6), and all general facility inspection logs as required by WAC 173-303-200(1)(e)(ii) and WAC 173-303-320(1), completed between September 1, 2024 and February 28, 2025. For all logs submitted to EPA pursuant to this Order, a Corporate Officer shall sign and certify under penalty of law that the information contained in such documents or reports is true, accurate, and not misleading by signing the following statement: “I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.” For the purposes of this Paragraph, “Corporate Officer” is defined to mean the Chief Executive Officer, Chief Operating Officer, or Chief Financial Officer for Respondent.

b. Within 90 days from the effective date of the Final Order attached hereto, Respondent shall submit to the EPA a revised copy of its Training Plan pursuant to WAC 173-303-200(1)(e)(i) and WAC 173-303-330. Respondent shall include a

document that contains a table listing each requirement of WAC 173-303-330 and the page number(s) at which its Training Plan satisfies that requirement.

4.11. Respondent shall provide compliance documentation required to the following address:

Kyle Masters
U.S. Environmental Protection Agency
Region 10
Masters.Kyle@epa.gov

4.12. The Assessed Penalty, including any additional costs incurred under Paragraphs 4.8 and 4.9, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.13. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at Henderson.Jessica@epa.gov, within 30 days after the effective date of the Final Order attached hereto. The EPA recommends encrypting IRS Form W-9 email correspondence; and

d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

4.14. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.15. Except as described in Paragraphs 4.8 and 4.9, each party shall bear its own costs and attorneys’ fees in bringing or defending this action.

4.16. For the purposes of this proceeding, Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.17. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.18. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.19. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this Consent Agreement, and to any stated permit action.

4.20. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

MATTHEW JACOBSON, Group Vice President of
Operations
Parker-Hannifin Corporation

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Enforcement & Compliance Assurance Division
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. RCRA-10-2024-0232
)	
PARKER-HANNIFIN CORPORATION,)	FINAL ORDER
)	
Enumclaw, Washington,)	
)	
Respondent.)	
)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent’s obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Parker-Hannifin Corporation, Docket No.: RCRA-10-2024-0232**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Emma Yip
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

yip.emma@epa.gov

Tasha Miracle
Assistant General Counsel
Parker-Hannifin Corporation
6035 Parkland Boulevard
Cleveland, Ohio 44124

tasha.miracle@parker.com

Regional Hearing Clerk
EPA Region 10