U.S. Environmental Protection Agency Complaint/Notice of Opportunity for Hearing Addressing Kapolei, Hawaii Waste Recycling Facility

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The United States Environmental Protection Agency ("EPA") filed a Complaint and Notice of Opportunity for Hearing ("Complaint") against Unitek Solvent Services, Inc. ("Unitek") on August 6th alleging violations of the Hawaii Hazardous Waste Regulations. See Docket No. RCRA-09-2025-0113.

The Complaint provides that Unitek owns and operates a facility in Kapolei, Hawaii.

- The facility is stated to provide a variety of waste-related services to commercial and industrial customers, including:
- Collection of oily waste.
- Collection of waste antifreeze.
- Collection of waste tires.
- Cleaning of petroleum sump pumps.
- Generation and distribution of EcoDiesel.

Unitek is also stated to lease parts washers to various industrial customers for cleaning parts or equipment that are coated with oil, solvents, or dirt during normal operations. Under service contracts with these customers, Unitek collects spent solvents from customers, transports them to the facility where Unitek reclaims the solvents and resupplies customers with clean solvents.

Solvents are stated to be stored in certain tanks.

The Complaint alleges the following violations:

1. Failure to Submit Notification to EPA prior to Managing Hazardous Secondary Materials.
2. Failure to Perform a Waste Determination.
3. Failure to Comply with the Manifest Requirements for Hazardous Wastes.
4. Storage of Hazardous Waste without a Permit.
5. Failure to Install and Operate a Leak Detection System for Tanks Treating or Storing Hazardous Waste.
6. Failure to Document Daily Inspections of Tanks Treating or Storing Hazardous Waste.

7. Failure to Determine Whether Equipment Contains or Contacts a Hazardous Waste with Organic Concentration that Equals or Exceeds 10% by Weight.

8. Failure to Determine Average Volatile Organic Concentration of a Hazardous Waste.

EPA states that it seeks an administrative penalty for counts 1-8 of the alleged violations. However, EPA further states that it makes no specific penalty demand in the Complaint – but has alleged facts sufficient to support determination of a penalty consistent with 42 U.S.C. §§ 6928(e) and (g). The agency proposes to account for the Resource Conservation and Recovery Act penalty factors by using the Resource Conservation and Recovery Act Civil Penalty Policy (June 2003).

The Complaint provides Unitek notice of a right to request a hearing.

A copy of the Complaint can be downloaded here.