



In another area of the Refinery lab, there was a one-gallon container that was labeled AgNO<sub>3</sub> Waste (Silver Nitrate). At the time of the inspection, the container was not labeled or marked with either the words “Hazardous Waste” or the hazard risk indicator as required by the regulations.

In a third area of the Refinery Lab, located beneath the sink, there was a small, one-liter container. The container was not labeled or marked with the words “Hazardous Waste” or the hazard risk indicator as required by the regulations.

At the newly constructed hazardous waste CAA, there were two 55-gallon containers and a large, clear plastic bag that held K169 tank bottom contaminated personal protective equipment (PPE) and debris. At the time of the inspection, neither the containers nor the bag were labeled or marked with the words “Hazardous Waste” nor were they marked with a hazard risk indicator as required by the regulations.

- b. The regulations found at 40 CFR § 262.17 allow a large quantity generator to accumulate hazardous waste on site without a permit or interim status and without complying with other requirements provided that certain conditions are met. Among these conditions are 40 CFR § 262.17(a)(5)(i)(A) – (C) that require the generator to label or mark containers of hazardous waste with the words “Hazardous Waste,” an indication of the hazards of the contents, and the date accumulation began; and 40 CFR § 262.17(a)(1)(v) which requires that at least weekly, the large quantity generator inspect central accumulation areas.

In the CAA at the Surface Impoundment, there was a 55-gallon container with a hazardous waste label on it. The words “SI Purge Water.” An accumulation start date of 7/18/18 was written on the label. At the time of the inspection, there was no hazard risk indicator anywhere on the container as required by the regulations.

Near the north side of Tank 13 there was a container that had a red, hazardous waste label on it. It was also labeled with the words “Lead - Tank 13” and an accumulation start date of 7/9/18. The container was not labeled or marked with a hazard risk indicator as required by the regulations. Additionally, the inspector was informed that the container was not being inspected on a weekly basis as required by the regulations.

- c. The regulations found at 40 § CFR 273.14(a) and 40 § CFR 273.15(c) require a small quantity handler of universal waste to label or mark universal waste batteries with any of the following phrases, “Universal Waste – Battery(ies),” “Waste Battery(ies),” or “Used Battery(ies) and be able to demonstrate the length of time that the universal waste has been accumulated from the date it became a waste.

In the Instrumentation & Electrical (I&E) building, there was a five-gallon container that held waste Lithium and NiCad batteries. The facility representative was not able to demonstrate the length of time that waste batteries had been accumulated as required by the regulations.

At the central accumulation area at the Surface Impoundment building, there were two Lithium-ion batteries on top of a container of universal waste batteries. The batteries were not labeled or marked in any of the required ways, nor was there any information as to when the accumulation of the two batteries began as required by the regulations.

At the central accumulation area surface impoundment, there were two NiCad power tool batteries and a Lithium battery on a pallet that contained lead-acid batteries. The lithium and NiCad batteries were not marked or labeled in any of the required ways, nor was there any information as to when the accumulation of the batteries began as required by the regulations.

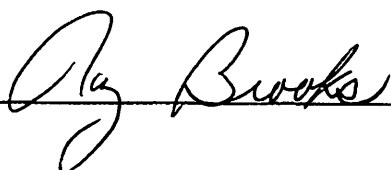
4. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA determined, and Respondent agrees that an appropriate penalty to settle this action is nine thousand (\$9,000). The attached Penalty Calculation Worksheet is incorporated by reference.
5. The 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.
6. Each party shall bear its own costs and fees, if any.
7. In signing this Agreement, Respondent: (1) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (2) neither admits nor denies the factual allegations contained herein, (3) consents to the assessment of this civil penalty, and (4) waives any right to contest the allegations contained herein in a hearing or appeal pursuant to Section 3008(b) of RCRA.
8. In signing this Agreement, 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) the civil penalty has been paid. Respondent is submitting proof of payment of the civil penalty with this Agreement.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

**RESPONDENT:**

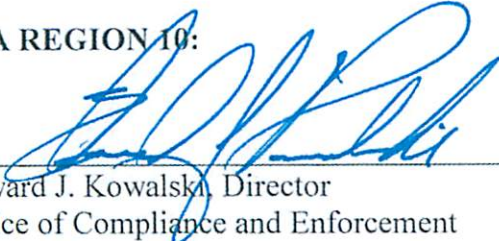
Name (print): Ray Brooks

Title (print): EVP - Refining; VP Tesoro Alaska Company LLC

Signature: 

Date: 4-23-19

EPA REGION 10:



\_\_\_\_\_  
Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
U.S. Environmental Protection Agency, Region 10

Date: 4/8/2019

IT IS SO ORDERED:



\_\_\_\_\_  
Richard Medniek, Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 10

Date: 5/13/19

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITE  
D SETTLEMENT AGREEMENT** in **In the Matter of: Tesoro Alaska, Kenai Facility,**  
**DOCKET NO.: RCRA-R10-2019-0058** was filed with the Regional Hearing Clerk on


On \_\_\_\_\_, the undersigned certifies that a true and correct copy of the document was delivered to:

Joe Edgell  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
Suite 900  
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on \_\_\_\_\_, to:

Gerald Warrick  
Environmental Compliance Administrator  
P.O. Box 3369  
Kenai, Alaska 99611

DATED this 15 day of may 2019.

  
\_\_\_\_\_  
Teresa Young  
Acting Regional Hearing Clerk  
EPA Region 10