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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

HEARINGS CLERK
REGION 10

IN THE MATTER OF:)
)
Coeur Alaska Inc., Kensington Gold Mine)
Juneau, Alaska)
EPA ID Number AKR 00020 3612)
)
Respondent)

Docket No. RCRA-10-2013-0072
EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. Coeur Alaska Inc., Kensington Gold Mine ("Respondent") is the owner or operator of a facility located approximately 45 miles northeast of Juneau, Alaska ("Facility"). The EPA inspected the Facility on May 22, 2012. The EPA alleges Respondent violated the following requirements of RCRA and the regulations promulgated thereto:
 - a. The regulation at 40 C.F.R. § 279.22(c) requires, among other things, that containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." At the time of the inspection, it was observed that the Facility failed to label or mark clearly two used oil storage containers with the words "Used Oil." Specifically, in the underground maintenance shop there was a 55-gallon container being used to collect used oil from filter crushing that was not labeled or marked clearly with the words "Used Oil" and an approximately 10 to 15-gallon used oil caddy, that was being used to store used oil, that was not labeled or marked clearly with the words "Used Oil" in violation of 40 C.F.R. § 279.22(c). The Facility corrected these violations during the inspection.
 - b. The regulation at 40 C.F.R. § 262.23(a)(2) requires, among other things, that a generator who ships hazardous waste must obtain the handwritten signature of the initial transporter and date of acceptance on the manifest. At the time of the inspection, it was observed that Manifest Number 002949760, dated December 21, 2010 and Manifest Number 002949764, dated December 21, 2010 did not contain the handwritten signature of or date of acceptance by the initial transporter on the manifest, in violation of 40 C.F.R. § 262.23(a)(2).
 - c. The regulation at 40 C.F.R. § 262.42(a)(2) requires, among other things, that a generator of 1,000 kilograms or greater of hazardous waste in a calendar month must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. At the time of the inspection, it was observed that the Facility did not receive a signed copy of Manifests Numbered 002949763, 002949766, 002949769, and 003470450 within 45 days of the date the waste was accepted by the initial transporter, in violation of 40 C.F.R. § 262.42(a)(2).
 - d. The regulation at 40 C.F.R. § 262.20(a)(1) requires, among other things, that a generator who offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a

Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to 40 C.F.R. Part 262. At the time of the inspection, it was observed that hazardous waste was shipped by the Facility on or about November 7, 2011 to US Ecology Idaho, Inc., without using EPA Form 8700-22. Specifically, the hazardous waste was shipped using a non-hazardous waste manifest number 15732F, in violation of 40 C.F.R. § 262.20(a)(1).

- e. The regulation at 40 C.F.R. § 262.20(a)(1) requires, among other things, that a generator who offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to 40 C.F.R. Part 262. The appendix to 40 C.F.R. Part 262 provides, among other things, that the generator must date the waste minimization certificate in Item 15 of the manifest. At the time of the inspection, it was observed that the Facility did not date the waste minimization certificate in Item 15 in Manifest Number 003470455 and Manifest Number 004780938, both of which shipments originated on or about January 31, 2012, in violation of 40 C.F.R. § 262.20(a)(1).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.
4. Payment under this Agreement must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

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

5. Respondent must send this document with original signatures and a photocopy of the check described in Paragraph 4 to the Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Photocopies of this signed document and the check described in Paragraph 4 must also be sent to EPA Region 10 at the following address:

Kevin Schanilec, Senior Enforcement Engineer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

6. 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.
7. Each party shall bear its own costs and fees, if any.
8. 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.
9. 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.
10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
11. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

Respondent has paid penalty MGR 3/24/13

IT IS SO AGREED,

RESPONDENT:

Name (print): Kevin Eppens

Title (print): Environmental Manager

Signature: *Kevin Eppens*

Date: 3-12-13

EPA REGION 10:

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

Date: 3/20/2013

IT IS SO ORDERED:

Thomas Jahnke for
 Thomas Jahnke, Regional Judicial Officer
 U.S. Environmental Protection Agency, Region 10

Date: 3/24/13

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Coeur Alaska Inc. Kensington Gold Mine, DOCKET NO.: RCRA-[number]** was filed with the Regional Hearing Clerk on [date].

On [date], the undersigned certifies that a true and correct copy of the document was delivered to:

Margaret B. Silver, Esquire
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 [date], to:

Mr. Kevin Eppers
Environmental Superintendent
3031 Clinton Drive, Suite 202, Juneau, AK 99801

DATED this 26th day of March 2013.



Name
Regional Hearing Clerk
EPA Region 10

