

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7

2015 SEP 30 PM 3:41

IN THE MATTER OF)
)
The Curators of the University of)
Missouri)
UMKC Volker Campus)
)
and)
)
UMKC Dental School)
)
)
)
_____)

Docket No. RCRA-07-2015-0018

ORDER

Pursuant to 40 C.F.R. § 22.5(a)(1), facsimile/electronic filing of page 20 of the Consent Agreement and Final Order is authorized in this proceeding.

Dated: 9-30-15

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY-REGION 7
2015 SEP 30 PM 3:41

IN THE MATTER OF:

The Curators of the University of Missouri

UMKC Volker Campus
5100 Rockhill Road
Kansas City, Missouri 64110
RCRA ID: MOD073133647

AND

UMKC Dental School
650 East 25th Street
Kansas City, Missouri 64108
RCRA ID: MOR000547166

Respondent.

Proceeding under Section 3008(a) and (g) of
the Resource Conservation and Recovery
Act as amended, 42 U.S.C. §§ 6928(a) and (g)

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No. RCRA-07-2015-0018

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and University of Missouri Kansas City (Respondent), have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §§ 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

1. This Consent Agreement and Final Order (CAFO) serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925. As well as RSMO 260.350 et seq., and 10 C.S.R. 25-5.262(1) which incorporate by reference the regulations at 40 C.F.R. 262.11.

Parties

2. The Complainant is the Chief of the Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of the EPA, Region 7, as duly delegated from the Administrator of the EPA.

3. The Respondent is officially known as "The Curators of the University of Missouri." Respondent is an arm or instrumentality of state government and operates a multi-campus public university system.

4. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

Statutory and Regulatory Framework

5. The state of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The state of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized state program and the regulations promulgated thereunder. When the EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The state of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

6. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil

Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$37,500 per day are now authorized for violations of Subchapter III of RCRA that occur after January 12, 2009.

General Factual Allegations

7. Respondent operates two facilities that are the subject of this action: the UMKC Volker Campus, located 5100 Rockhill Road, Kansas City, Missouri and the UMKC Dental School, located at 650 East 25th Street, Kansas City, Missouri.

8. For the UMKC Volker Campus facility (Volker Campus) Respondent has notified as a large quantity generator (LQG) because of the large number of satellite accumulation areas at the facility. On occasion, Respondent's generation of hazardous waste at the Volker Campus rises above the LQG threshold of 1000 kg per month or one kg of acute hazardous waste per month pursuant to 10 C.S.R. 25-5.262, justifying its operation as a LQG.

9. For the UMKC Dental School facility (Dental School) Respondent has notified as a small quantity generator (SQG). As a SQG, the facility generates greater than 100 kilograms and less than 1,000 kilograms of hazardous waste in a single calendar month and never accumulates more than 6,000 kilograms of hazardous waste at the facility. Respondent submitted a Notification of Regulated Waste Activity for the facility on January 11, 2012 as a Small Quantity Generator of numerous characteristic, and F, P, and U listed hazardous waste. A review of Uniform Hazardous Waste Shipping Manifests and 180-day Hazardous Waste Accumulation Area (HWAA) inspection records by EPA has confirmed the SQG status for this facility.

10. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 10 C.S.R. 25-4.261, which incorporate by reference the regulations at 40 C.F.R. Part 261.

11. Respondent has been assigned a RCRA facility identification number of MOD073133647 for the Volker Campus and MOR000509216 for the Dental School.

12. On or about March 5-7, 2013, an EPA representative conducted a Compliance Evaluation Inspection at the Volker Campus located at 5100 Rockhill Road Kansas City, Missouri. A Notice of Violation was issued at the time of the inspection. An inspection report containing findings and alleged violations was sent to Respondent following the inspection, and a letter of warning was issued on February 25, 2014. On or about February 6, 2014, an EPA representative conducted a Compliance Evaluation

Inspection at the Dental School located at 650 E. 25th St. Kansas City, Missouri (hereinafter "the EPA inspections"). A Notice of Violation was issued at the time of the inspection, and an inspection report containing findings and alleged violations was submitted to Respondent following the inspection.

Violations

Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations promulgated thereunder, as follows:

Count 1
FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

13. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.11 require that a person who generates a solid waste must determine if that waste is a hazardous waste.

14. At the time of the EPA inspection it was determined that the Respondent failed to make a hazardous waste determination of solid waste streams at the Volker Campus as alleged in the inspection report, notice of violation and letter of warning, including but not limited to:

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>
<u>Volker Campus</u>		
FL Hall Room 528	Aqueous Cr+3	2L – 1/3 full
BSB Room B315	Autoclave indicator tape hazardous for lead carbonate hydroxide	

Count 2
OPERATING AS A TREATMENT, STORAGE, OR DISPOSAL FACILITY
WITHOUT A RCRA PERMIT OR RCRA INTERIM STATUS

15. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit or interim status for such activities.

16. At the time of the EPA inspection Respondent did not have a permit or interim status for either the Volker Campus facility or the Dental School facility.

17. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(a), allow an LQG to accumulate hazardous waste in containers on-site for up to ninety days without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met.

18. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(d), allow an SQG to accumulate hazardous waste in containers on-site for up to one hundred eighty days without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(d)(1)-(5) are met.

19. At the time of the inspection, Respondent was not complying with various hazardous waste regulatory requirements, described below and in the inspection reports, notices of violation and letter of warning. Therefore, Respondent did not meet the conditions that allow a generator to store hazardous waste at the Volker Campus LQG facility for up to ninety (90) days without a permit or interim status. And Respondent did not meet the conditions that allow a generator to store hazardous waste at the Dental School SQG facility for up to one hundred eighty (180) days without a permit or interim status. Respondent failed to meet waste handling requirements including but not limited to:

Failure to Comply with Generator Requirements
Storage Container Accumulation Time

20. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(a), state that an LQG may accumulate hazardous waste on-site for up to ninety (90) days or less without a permit or without having interim status if specific requirements are met. At the time of the EPA inspections the following accumulation

containers were identified as being generated and stored on-site at the Volker Campus for more than ninety (90) days.

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Date of Waste</u>
<u>Volker Campus</u>			
FL Hall 528	Lead carbonate paint	2 gallons	10/15/11
FL Hall 524	Mixed chemicals	1.5 liters	11/08/10
FL Hall 524	Acetone waste	4 liters	10/22/11
FL Hall 524	Sulfuric Acid Waste	2 liters	9/1/11

21. Each of the above listed accumulation containers was stored for more than ninety (90) days, as of the date of the EPA inspection.

22. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(b) state that any generator who accumulates hazardous waste for more than ninety (90) days is an operator of a storage facility and must comply with 40 C.F.R. §§ 264, 265 and the permit requirements of § 270. These regulations require a generator to have either interim status or a permit in order to treat, store or dispose of hazardous waste at a facility. As previously stated, at the time of the inspection, Respondents did not have a hazardous waste permit or interim status for Volker Campus facility.

Satellite Storage Accumulation Time

23. Missouri regulation 10 C.S.R. 25-5.262(2)(C)3 requires generators to remove accumulated waste within one (1) year from the date satellite accumulation begins, irrespective of the quantity of hazardous waste in the satellite accumulation area. Missouri regulation 10 C.S.R. 25-5.262(2)(C)3., also requires that once the one (1) year period is reached the accumulated waste must be transferred to the ninety (90) day hazardous waste accumulation area at an LQG facility or to the One Hundred Eighty (180) day hazardous waste accumulation area at an SQG facility.

24. At the time of the EPA inspections of each of the two facilities, it was documented that each of the containers listed below was stored as a satellite accumulation container for longer than one (1) year without being transferred to the ninety (90) day hazardous waste accumulation area at the Volker Campus LQG facility, or the One Hundred

Eighty day (180) hazardous waste accumulation area, at the Dental School SQG facility, which does not meet the requirements of 10 C.S.R. 25-5.262(2)(C)3.

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Date of Waste</u>
Volker Campus			
FL Hall Room 528	Lead carbonate paint	Full two-gallon container	11/16/12
FL Hall Room 528	Lead carbonate paint	Full two-gallon container	10/15/11
FL Hall Room 528	Aqueous Cr + 3	2L bottle – 1/3 full	3/02/2012
FL Hall Room 524	Mixed Chemicals	Full 1L bottle	11/08/10
FL Hall Room 524	Acetone waste	Full 4L bottle	10/22/11
FL Hall Room 524	Sulfuric Acid Waste	One ¾ full 2L bottle	9/01/11

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Date of Waste</u>
Dental School			
Lab 341	10% Formalin	One, five-gallon container	12/06/12
Lab 341	70% ETOH	One, 5 gallon container	7/13/12
Lab 271	Acetone	One, one gallon plastic jug	8/30/12
Oral Pathology		One, one gallon plastic jug	1/13/13

Failure to close containers holding hazardous waste

25. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(c)(1)(i) and 40 C.F.R. § 265.173(a), require that a satellite accumulation container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

26. At the time of the EPA inspection of the Volker Campus, the EPA inspector observed five open satellite accumulation containers with open funnels. These containers were as follows: One bottle of waste acetone; one bottle of THE waste; one bottle of non-halogenated waste; and two bottles of waste acetone wash to be distilled. The EPA inspector also observed an unsecured lid on an accumulation container used for aerosol puncturing.

27. The Respondent did not meet the requirements of 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(c)(1)(i) and 40 C.F.R. § 265.173(a), because it failed to close various bottles and other containers of hazardous waste.

Failure to operate to minimize the possibility of a fire, explosion, or any unplanned release of hazardous waste

28. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.31 require that the owner or operator maintain and operate their facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment.

29. At the time of the EPA inspection of the Volker Campus, the EPA inspector observed extremely cluttered laboratories in SCB C104 and SCB C108. The EPA inspector observed various chemical bottles stored on the floor, in hoods, on the benches, and in a glove cabinet. She also observed rusting cans of calcium hydride, and corrosives and organics containers stored together in a haphazard manner. Some of the waste containers appeared to be accumulated in an unorganized fashion together with chemicals still in use.

30. The Respondent did not meet the requirements of 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.31, because it failed to accumulate and maintain its hazardous waste in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment.

Failure to label satellite accumulation containers

31. The regulations at 10 C.S.R. 25-5.262(2)(C)3 and by incorporation 40 C.F.R. § 262.34(c)(1)(ii) require that containers accumulating hazardous waste be labeled with the words "Hazardous Waste" or with other words that identify the contents of the containers.

32. At the time of the EPA inspection in the Environmental Management Facility of the Volker Campus facility, the inspector observed that four containers of hazardous waste located in SBC Rooms C104 and C108 and FL Hall room 524, were not labeled or had unreadable labels.

33. Respondent did not meet the requirements of 10 C.S.R. 25-5.262(2)(C)3, and by incorporation 40 C.F.R. § 262.34(c)(1)(ii), because it had not properly labeled the four satellite accumulation containers at the Volker Campus.

Failure to date satellite accumulation containers

34. The regulations at 10 C.S.R. 25-5.262(2)(C)3 require that satellite accumulation containers be labeled with the date upon which each period of accumulation began.

35. At the time of the EPA inspection it was documented that the Respondent had not dated the following satellite accumulation containers:

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Violation</u>
Volker Campus			
SBC Room C104	Acetone wash waste	Four, four-liter bottles	Not dated
SBC Room C104	THF waste	One, four-liter bottle	Note dated
SBC Room C104	Non-halogenated waste	One, four-liter bottle	Not dated
SBC Room C104	Copper bromide waste	One, four-liter bottle	Not dated
SBC Room C108	Pyridine waste	One, four-liter bottle	Not dated
SBC Room C108	Acetone wash waste	Four, four-liter bottles	Not dated
			Not dated
SBC Room C108	Copper waste	One, four-liter bottle	Not dated
SBC Room C108	Non-halogenated waste	One, two-liter bottle	Not dated
FL Hall Room 524	Dichloromethane	Two, four-liter bottles	Not dated

36. Respondent did not meet the requirements of 10 C.S.R. 25-5.262(2)(C)3, because it failed to date its satellite accumulation containers.

Failure to date central accumulation containers

37. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(a)(2), require that 90-day accumulation containers be labeled with the date upon which each period of accumulation began.

38. At the time of the EPA inspection it was documented that the Respondent had not dated the following accumulation containers:

Location	Waste	Amount of Waste	Violation
SBC Room C104	Acetone waste	One, four-liter bottle	Not dated
SBC Room C104	Acetone bottoms waste	Three, four-liter bottle	Not dated
SBC Room C104	Non-halogenated waste	One, four-liter	Not dated
SBC Room C108	Copper bromide waste	One, four-liter	Not dated
SBC Room C108	Acetone wash waste	Seven, four-liter bottles	Not dated
SBC Room C108	Non-halogenated waste	Eleven, four-liter bottles	Not dated
SBC Room C108	Non-halogenated waste	One, two-liter	Not dated
FL Hall Room 524	Dichloromethane	Two, four-liter bottles	Not dated

39. Respondent failed to meet the requirements of 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(a)(2), because it failed to date its central accumulation containers.

Contingency Plan

40. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.53(b), require that a copy of the contingency plan must be submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

41. At the time of the EPA inspection, the Respondent failed to submit the Contingency Plan for the Volker Campus to emergency authorities, namely the local hospital, failing to meet the requirements of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.34(a)(4) and 40 C.F.R. § 265.53(b).

Training Plan

42. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. §§ 265.16(d)(3)&(4), require Respondent maintain a written description of the type and amount of both introductory and continuing training being provided to any/all person(s) filling a position related to hazardous waste management and maintain records that document that the proper training or job experience required has been given to, and completed by, facility personnel.

43. At the time of the EPA inspection of the Volker Campus, Respondent was unable to provide evidence that it maintained the appropriate documents describing initial or continued training at the Facility, and so Respondent did not meet the requirements of 10 C.S.R. 255.262(1) and by incorporation 40 C.F.R. § 265.16(d)(3).

III. CONSENT AGREEMENT

44. Respondent and EPA agree to the terms of this CAFO. This CAFO and its attachments shall constitute the complete agreement between the parties respecting the subject matter hereof.

45. Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this CAFO.

46. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.

47. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of this CAFO.

48. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

49. This CAFO addresses and resolves all civil claims for the RCRA violations and facts alleged above and in the inspection reports issued for the EPA inspections, the notices of violation and the letter of warning. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

50. Nothing contained in this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

51. Respondent certifies that, to the best of its knowledge, the Volker Campus and the Dental School facilities, which are the subject of this CAFO, are in compliance with RCRA, 42 U.S.C. 6901 et seq. and all regulations promulgated thereunder.

52. The effect of settlement is conditioned upon the completion of the requirements of this CAFO as specified in the Final Order.

53. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

Supplemental Environmental Project (SEP)

54. Respondent agrees that, in settlement of the claims alleged in this CAFO, Respondent shall pay a mitigated civil penalty of Thirty-two Thousand Six Hundred Seventy-nine Dollars (\$32,679), as set forth in Paragraph 1 of the Final Order below, and shall perform a Supplemental Environmental Project ("SEP") as set forth in this CAFO. The projected cost of the SEP is Thirty-two Thousand our Hundred Thirty-six Dollars (\$32,436).

55. The penalty specified in the paragraph above shall represent civil penalties assessed by EPA.

56. In response to the violations of RCRA alleged in this CAFO and in settlement of this matter, although not required by RCRA or any other federal, state, or local law, Respondent shall complete the SEP described in this CAFO, which the parties agree is intended to secure significant environmental or public health protection and improvement.

57. Respondent shall complete the following SEP:

The Respondent shall upgrade current hazardous materials computer inventory system on all of the facilities at the University of Missouri-Kansas City, as set forth in Attachment 1 to this CAFO. This includes upgrading capabilities for electronic hazardous waste tracking, processing and disposal records. This SEP shall be performed in

accordance with the requirements of this CAFO and the SEP Work Plan that is attached to this document, marked "Attachment 1" and incorporated by reference.

58. Within six (6) months of the effective date of this CAFO, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall conform to the requirements of this CAFO and shall contain the following information:

- a. A detailed description of the SEPs as implemented, including itemized costs;
- b. A description of any problems encountered in implementation of the projects and the solution thereto;
- c. A description of the specific environmental and/or public health benefits resulting from implementation of the SEP; and
- d. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO.

59. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

60. The SEP Completion Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

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.

61. The SEP Completion Report shall be submitted on or before the due date specified in Paragraph 58 to:

Edwin G. Buckner PE
AWMD/WEMM
Environmental Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219.

62. Any public statement, oral or written, in print, film, internet, or other media, made by Respondent making reference to the SEP shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act. 42 U.S.C. § 6901 *et. seq.*

63. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP described in this CAFO by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive credit in any other enforcement action for the SEP.

64. Respondent certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent further certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

65. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil penalty if it is not paid by the date required. Interest will be assessed at a rate of

the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys' fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

66. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

Effective Date

67. In accordance with 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the EPA Regional Hearing Clerk.

Reservation of Rights

68. Except as expressly provided in this CAFO, EPA reserves the right to enforce the terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-seven Thousand Five Hundred Dollars (\$37,500) per day per violation pursuant to Section 3008(c) and/or Section 3008(g) of RCRA, for each day of noncompliance with the terms of the Final Order, or to seek any other remedy allowed by law.

69. Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CAFO.

70. Except as expressly provided herein, nothing in this CAFO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

71. Notwithstanding any other provisions of the CAFO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

72. The headings in this CAFO are for convenience of reference only and shall not affect interpretation of this CAFO.

73. The provisions of this CAFO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this CAFO, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CAFO, Respondent will pay a mitigated civil penalty of Thirty-two Thousand Six Hundred Seventy-nine Dollars (\$32,679). The payment must be received at the address 30 days after the effective date of the Final Order (the date by which payment must be received shall hereafter be referred to as the "due date"). Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

2. Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727

SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should
read "D 68010727 Environmental Protection
Agency"

3. A copy of the payment documentation shall also be mailed to
EPA's representative identified in paragraph 6 below, and to:

Regional Hearing Clerk
U.S. EPA Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

and to:

Raymond C. Bosch
U.S. EPA Region 7
11211 Renner Boulevard
Lenexa, KS 66219

4. The Respondent shall carry out the Supplemental Environmental Project
(SEP), as set forth in this CAFO.

C. Compliance Actions

5. Respondent shall take the following actions: Beginning no later than ninety
(90) days after the effective date of the CAFO, and on a quarterly basis thereafter for a
period of one-year, Respondent shall provide to EPA a report using narrative and
photographs, demonstrating that the portions of the two facilities, which are the subject of
this CAFO, are complying with all RCRA container management requirements including
properly labeling, dating, and closing containers.

D. Submittals

6. All documents required to be submitted to EPA pursuant to this Final Order
shall be sent to:

Edwin G. Buckner PE
AWMD/WEMM
U.S. EPA Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219
E-mail: buckner.edwin@epa.gov

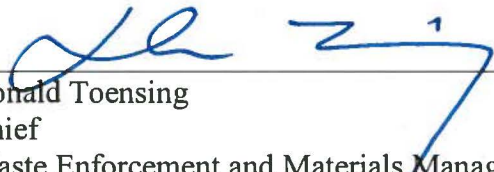
E. Parties Bound

7. This Final Order portion of this CAFO shall apply to and be binding upon Complainant and Respondent, and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

COMPLAINANT:


U.S. ENVIRONMENTAL PROTECTION AGENCY

9-30-15
Date



Donald Toensing
Chief
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

9-30-15
Date



Raymond C. Bosch
Office of Regional Counsel

From:

09/29/2015 17:58

#805 P.001/001

Sep/29/2015 5:04:50 PM

Univ of Missouri 5738828595

2/2

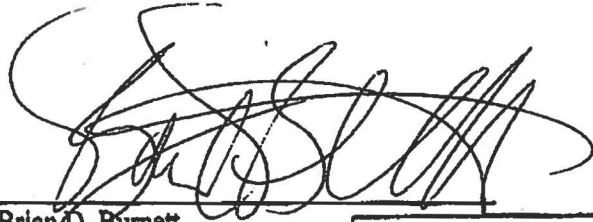
In the Matter of The Curators of the University of Missouri
Docket No. RCRA-07-2015-0018

FOR RESPONDENT:

THE CURATORS OF THE
UNIVERSITY OF MISSOURI

9/29/15

Date



Brian D. Burnett
Vice President for Finance

APPROVED
AS TO
LEGAL FORM
PDH

Sep 29, 2015

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional
Judicial Officer.

9-30-15
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

**Supplemental Environmental Project Work Plan:
Improve Hazardous Waste Tracking, Processing and Handling
University of Missouri – Kansas City, 5100 Rockhill Road, KC, MO 64110**

Background

Under the laboratory waste accumulation process implemented at the University of Missouri – Kansas City (UMKC) under the university’s EPA-approved Chemical Management Plan, laboratory supervisors monitor accumulation containers and timely request the Environmental Health and Safety department (EHS) remove waste containers for disposal. Currently, the laboratory supervisors track the information manually and provide information to EHS personnel. An upgrade to UMKC's current hazardous materials computer inventory system, which would include capabilities for electronic hazardous waste tracking, processing and disposal records, can improve logistics and efficiency regarding the waste accumulation storage and disposal process. It will also streamline the process by providing the EHS department with additional oversight and information regarding the containers in individual laboratories.

Scope

This project involves the:

Step	Description
1	Purchase of the “2450 Tablet Web Based Inspection Assistant” data management software upgrade from On Site Systems (\$17,250.00 total)
2	Purchase of 9 scanners “Motorola CS3000/3070” (\$232.83 each)
3	Purchase of 9 tablets “Microsoft Surface Pro 3” (\$1,454.57 each)
4	Training of EHS staff (3)
5	Training of Hazardous Materials Managers (6)
6	Implementation

Project Benefits

UMKC’s chemical management program will be enhanced by executing this Supplemental Environmental Project as described. The handheld technologies and computer assistance will assist EHS staff with their laboratory inspections and allow the EHS staff to immediately document corrective measures being applied during laboratory inspections. The program will also identify and rank any deficiencies identified during audits and send reminders to facilitate prompt correction. EHS staff will also realize a greater efficiency in work performance while processing the correspondence to laboratory personnel, Deans and department heads.

By upgrading the hazardous materials computer inventory system to include tracking of the hazardous waste accumulation containers, EHS will also be able to consistently monitor the volume of waste being stored in each of the over 450 locations throughout the campus. This will further the University's objectives regarding storage and removal of containers within regulatory timeframes.

The availability of electronic information will allow quick evaluations and assessments to generate a better picture of the use and storage of chemicals and wastes. This will provide EHS the capability to determine and employ future handling and waste reduction techniques.

Project Costs

The primary costs:

Item	Description	Cost
1	Total Software	\$ 16,750.00
2	Authentication Integration (single sign-on ability)	\$ 500.00
3	Motorola CS 3000/3070 ID Scanner (\$232.83 each)	\$ 2,095.47
4	Microsoft Surface Pro 3 Tablet (\$1,454.57each)	\$ 13,091.13
TOTAL		\$ 32,436 (rounded)

Project Schedule

Preliminary timing for the project is as follows:

Item	Description	Time (days)
1	Computer upgrade	60 days after Effective Date
2	Acquisition of tablets and scanners	90 days after Effective Date
3	Training EHS staff	90 days after Effective Date
4	Training Haz Mat Managers	120 Days after Effective Date

The milestone dates could be adjusted slightly dependent upon timely receipt of equipment, holiday scheduling, staffing, etc.

IN THE MATTER OF The curators of the University of Missouri - UMKC Volker Campus and
UMKC Dental School, Respondent

Docket No. RCRA-07-2015-0018

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the
following manner to the addressees:

Copy by email to Attorney for Complainant:

bosch.raymond@epa.gov

Copy by email to:

brittany.barrientos@stinson.com

Dated: 10/1/15



Kathy Robinson
Hearing Clerk, Region 7