

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

RECEIVED

17 MAR 31 AM 8:37

HEARINGS CLERK

IN THE MATTER OF:)

Docket No. RCRA-10-2017-0053

Alaska Regional Hospital)
Anchorage, Alaska)
EPA ID Number AKR 00000 2345)

EXPEDITED SETTLEMENT)
AGREEMENT AND)
FINAL ORDER)

Respondent)
_____)

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. Alaska Regional Hospital (“Respondent”) is the owner and/or operator of a facility at 2801 DeBarr Road, Alaska 99508 (“Facility”). The EPA inspected the Facility on September 28, 2015. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. 40 C.F.R. § 262.34(c)(1)(i) references 40 C.F.R. § 265.173(a), which requires that containers of hazardous waste be kept closed unless waste is being added or removed. On September 28, 2015, ten satellite accumulation containers of hazardous waste were not closed, in violation of a condition set forth in 40 C.F.R. Part 262.34(a)(1).
 - b. 40 C.F.R. § 262.34(a) allows a large quantity generator to accumulate hazardous waste in containers for 90 days without a permit provided that they meet certain conditions, including that hazardous waste containers be marked with the date that accumulation began [40 C.F.R. § 262.34(a)(2)] and labeled with the words “Hazardous Waste” [40 C.F.R. § 262.34(a)(3)]. On September 28, 2015, in the Hazardous Waste Central Accumulation Area and the San-i-pak Room, multiple containers containing hazardous waste were not marked with the date accumulation began and were not labeled with the words “Hazardous Waste,” in violation of 40 C.F.R. Part 262.34(a).
 - c. 40 C.F.R. § 262.34(a)(1)(i) references 40 C.F.R. § 265.174, which requires that areas where containers of hazardous waste are stored be inspected at least weekly. According to documentation onsite on September 28, 2015, no weekly inspections of hazardous waste accumulation areas were conducted from September 2012 through December 2013 and during the week of June 22, 2014, in violation of a condition set forth in 40 C.F.R. § 262.34(a)(1)(i).
 - d. 40 C.F.R. § 262.34(a)(4) references 40 C.F.R. § 265.52(b), which allows a Spill Prevention, Control and Countermeasures (SPCC) or other emergency plan to be

amended to incorporate hazardous waste management provisions sufficient to comply with the requirements of 40 C.F.R. Part 265 Subpart D. On September 28, 2015, Alaska Regional Hospital had not revised the existing SPCC plan to meet this requirement, in violation of a condition set forth in 40 C.F.R. § 262.34(a)(4).

- e. 40 C.F.R. § 262.42(a)(2) requires that an exception report be submitted when a signed manifest is not returned within 45 days of shipment. On September 28, 2015, no exception reports had been submitted for six manifests between 2012 and 2015 for which signed copies of the manifests were not returned within 45 days of shipment, in violation of 40 C.F.R. § 262.42(a)(2).
 - f. 40 C.F.R. § 273.14(a) requires that containers of universal waste batteries must be labeled with the words "Universal Waste – Batteries," or "Waste Batteries," or "Used Batteries." On September 28, 2015 at least eight containers of universal waste batteries and two lead-acid batteries were not labeled, in violation of 40 C.F.R. § 273.14(a).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of six thousand dollars (\$6,000.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.
 4. 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.
 5. Each party shall bear its own costs and fees, if any.
 6. 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.
 7. 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.
 8. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.


9. 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:

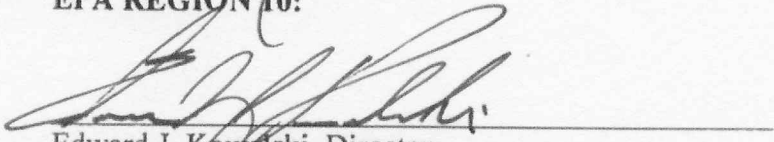
Name (print): Travis Williams

Title (print): Administrative Director Facilities Management

Signature: 

Date: March 6, 2017

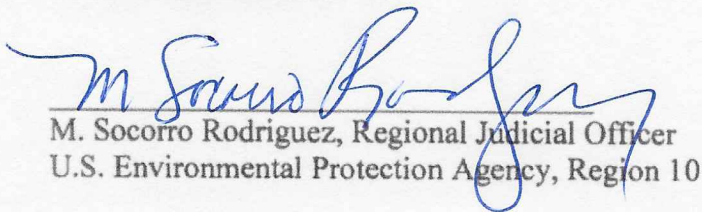
EPA REGION 10:



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

Date: 3/30/2017

IT IS SO ORDERED:


M. Socorro Rodriguez, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: March 31, 2017

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of Alaska Regional Hospital Docket No.: RCRA-10-2017-0053**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Jack Boller
1200 Sixth Avenue, OAWT-1500
Suite 900
Seattle, Washington 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 to:

Mr. Paul Mitchell
Alaska Regional Hospital
2801 DeBarr Road
Anchorage, Alaska 98031

DATED this 31 day of March, 2017



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10

U. S. EPA REGION 10
RCRA Expedited Settlement Agreement
Penalty Calculation Worksheet

Respondent:

Alaska Regional Hospital
Anchorage, Alaska 99508
EPA ID Number: AKR 00000 2345
Docket Number: RCRA-10-2017-0053

Penalty Calculation:

Pursuant to the EPA RCRA Expedited Settlement Policy, the penalty is \$1000 per violation.

Violations	Number of Violations	Penalty
40 C.F.R. § 262.34(c)(1)(i): Failure to close satellite accumulation containers of hazardous waste	1	\$ 1,000
40 C.F.R. § 262.34(a): Failure to properly label containers of hazardous waste	1	\$ 1,000
40 C.F.R. § 262.34(a)(1)(i): Failure to conduct weekly inspections of hazardous waste accumulation areas	1	\$1,000
40 C.F.R. § 262.34(a)(4): Failure to have a sufficient hazardous waste contingency plan	1	\$1,000
40 C.F.R. § 262.42(a)(2): Failure to submit an exception report	1	\$1,000
40 C.F.R. § 273.14(a): Failure to properly label universal waste batteries	1	\$1,000
TOTAL	6	\$ 6,000