

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

FILED

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U.S. EPA REGION IX
REGIONAL HEARING CLERK

IN THE MATTER OF:

Guam Dry Cleaners
EPA ID. No. GUD 982 486 839
Respondent.

) Docket No.
) RCRA-09-2011-15

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
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EXPEDITED SETTLEMENT AGREEMENT

- A. The U.S. Environmental Protection Agency ("EPA") alleges that Guam Dry Cleaners ("Respondent"), owner and operator of the facility at 151 A Harmon Industrial Park Barrigada, Guam 96932 (the "Facility"), failed to comply with the following requirements under the Resource Conservation and Recovery Act ("RCRA") and the EPA approved and authorized Guam hazardous waste management program (Guam Hazardous Waste Management Regulations, Part IV):
1. Failure to mark hazardous waste containers with the accumulation start date, Guam Hazardous Waste Management Regulations ("GHWMR") Part IV E (40 C.F.R § 262.34(d)(4) and § 262.34(a)(2).
 2. Failure to label hazardous waste containers properly with the words "Hazardous Waste," GHWMR Part IV E (40 CFR § 262.34(d)(4), § 262.34(a)(2), and § 262.34(c)(1)(ii).
 3. Failure to label used oil containers properly, GHWMR Part XIV Appendix G (40 C.F.R. § 279.22(c)(1)).
- B. Alleged Violations
1. Under GHWMR IV E [40 CFR § 262.34(d)(4) and § 262.34(a)(2)], Respondent is required to have the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - a. The inspectors observed one 30-gallon container holding waste perchloroethylene and one 55-gallon container labeled "Used Waste" in the HWSA that did not have an accumulation start date.
 2. Under GHWMR IV E [40 CFR § 262.34(d)(4), § 262.34(a)(2) and § 262.34(c)(1)(ii)], Respondent is required to label or mark clearly each container and tank, with the words "Hazardous Waste" while being accumulated on-site.
 - a. The inspectors observed one 55-gallon container labeled "Used Waste" which did not identify the waste as hazardous.
 - b. The inspectors observed a 30-gallon container staged on secondary containment in a SAA in the dry cleaning area. The container was closed but was not labeled as containing hazardous waste or waste perchloroethylene.

3. Under GHWMR XIV Appendix G [40 C.F.R. § 279.22(c)(1)], Respondent is required to label or mark clearly with the words, "Used Oil," any containers and aboveground tanks used to store used oil at generator facilities.

a. The inspectors observed two 55-gallon metal containers containing used oil in the HWSA that were not labeled "Used Oil."

- C. EPA and Respondent agree that settlement of this matter for a penalty of two thousand four hundred fifty dollars (\$2,450) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.
- D. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
- E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Guam Hazardous Waste Management Regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
- F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- G. The civil penalty of \$2,450 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.
- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. 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.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. 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,

Name (print): _____

Title (print): _____

Signature: Jim A. Sufi

Date 9/10/11

APPROVED BY EPA:

Jeff Scott
Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

Date 9/22/11

IT IS SO ORDERED:

Steven Jawgiel
Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 9

Date 09/23/11

RCRA EXPEDITED SETTLEMENT AGREEMENT

Proposed Penalty Worksheet

Guam Dry Cleaner /EPA ID# GUD982486839

1. Does the facility qualify as a non-profit or small business as defined by the Small Business Act?
(See: <http://www.sba.gov/content/determining-business-size>) X YES NO

Explanation: NAIC 812320 with less than 50 employees and holds a contract with US AF for \$426,000.
This is a small business.

Small Business Facility Violations	Penalty	Multiplier (number of individual violations, i.e., # of drums)	Total
Labeling violations	\$350	2 x 350	\$700
Dating violations	\$350	2	\$700
Open containers	\$350		
Storage of hazardous waste for no more than 30 days OVER the allowed time (i.e., 121 days for LQGs = not eligible)	\$350		
Minor deficiencies in contingency plan (for LQGs) or emergency postings (SQGs)	\$350		
Used oil violations, not including releases	\$350	2	\$700
Universal waste violations	\$350		
Training record violations	\$350	1	\$350
Other eligible violation(s) – list each	\$350		
TOTAL			\$2,450

Or

Non-small Business Facility Violations	Penalty	Multiplier (number of individual violations, i.e., # of drums)	Total
Labeling violations	\$750		
Dating violations	\$750		
Open containers	\$750		
Storage of hazardous waste for no more than 30 days OVER the allowed time (i.e., 121 days for LQGs = not eligible)	\$750		
Deficiencies in contingency plan (for LQGs) or emergency postings (SQGs)	\$750		
Used oil violations, not including releases	\$750		
Universal waste violations	\$750		
Training record violations	\$750		
Other eligible violation(s) – list each	\$750		
TOTAL			

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement with **Guam Dry Cleaners (Docket #: RCRA-09-2011-0015)** was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

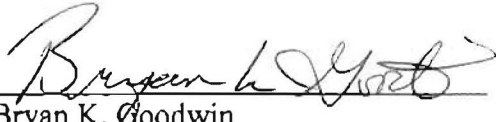
A copy was mailed via CERTIFIED MAIL to:

Simon Sanchez
Guam Dry Cleaners
PO Box 21929
Barrigada, Guam 96932

CERTIFIED MAIL NUMBER: 7010-2780-0000-8388-7658

An additional copy was hand-delivered to the following U.S. EPA case attorney:

Michael Hingerty, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105


Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

9/28/11
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO. 7010-2780-0000-8388-7658
RETURN RECEIPT REQUESTED

SEP 27 2011

Simon Sanchez
Guam Dry Cleaners
P.O. Box 21929
Barrigada, Guam 96932

Re: In the matter of Guam Dry Cleaners. - U.S. EPA Docket No. RCRA-09-2011-17

Dear Mr. Sanchez:

Enclosed is a copy of the fully executed Expedited Settlement Agreement which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Expedited Settlement Agreement and your certification that you have returned to compliance have closed this case. If you have any questions regarding the rules, regulations and statutes associated with this Expedited Settlement Agreement, please contact Cameron McDonald at (415) 972-3308 or mcdonald.cameron@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosure