

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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EPA -- REGION 10

IN THE MATTER OF: )  
 )  
Steelscape, Inc. ) Docket No. RCRA-10-2013-0153  
Kalama, Washington ) EXPEDITED SETTLEMENT  
EPA ID Number WAH 0000 0455 ) 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. Steelscape, Inc., (“Respondent”) is the owner or operator of a facility at 222 West Kalama River Road, Kalama, Washington 98625 (“Facility”). The EPA inspected the Facility on March 25, 2013. The EPA alleges Respondent violated the following requirements of RCRA and the EPA-approved and authorized Washington State hazardous waste management program (WAC 173-303).
  - a. WAC 173-303-200(2)(a)(i) requires that satellite accumulation containers always be closed, except when it is necessary to add or remove waste [WAC 173-303-200(2)(a)(i) references WAC 173-303-630(5)(a)]. During the March 25, 2013 inspection, there were three satellite accumulation containers in the “Coaster Station” that were not closed, in violation of WAC 173-303-200(2)(a)(i).
  - b. WAC 173-303-200(1)(i) requires the owner or operator to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency. During the March 25, 2013 inspection in the Central Accumulation Area adjacent to the Paint Line on the south side of the building, there were seventeen 55-gallon hazardous waste containers that were positioned in such close proximity to each other that no aisle space was available, in violation of WAC 173-303-200(1)(i).
  - c. WAC 173-303-220(2) requires a generator to submit an Exception Report to the Washington Department of Ecology if he has not received the return manifest within 45 days of shipment. At the time of the March 25, 2013 inspection, return manifest

004363497 had not been received within the required 45 days and no exception report had been filed with the Department of Ecology, in violation of WAC 173-303-200(2).

- d. WAC that areas where containers of hazardous waste are stored be inspected at least weekly and an inspection log be kept at the facility for at least five years from the date of inspection. Based on inspection logs, there were no documented weekly inspections for the three weeks between December 21, 2012 and January 11, 2013, in violation of WAC 173-303-200(1)(b)(i).
  - e. WAC 173-303-200(1)(e)(i) references WAC 173-303-350, which requires owners and operators to develop and maintain a contingency plan. WAC 173-303-350(3)(e) requires that the plan contain a list of all emergency equipment at the facility, including the location, physical description, and a brief outline of the capabilities of each item, which must be kept up to date. WAC 173-303-350(4)(b) requires that the plan 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. At the time of the March 25, 2013 inspection, the contingency plan did not include a detailed list of emergency equipment at the facility and had not been submitted to the local hospital. Failure to properly maintain the contingency plan is a violation of WAC 173-303-200(1)(e)(i).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of three thousand seven hundred and fifty dollars (\$3,750) 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): Michael L. Nelson

Title (print): Corporate EHS Manager

Signature: 

Date: 9-6-13

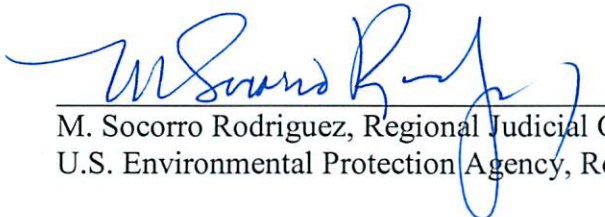
**EPA REGION 10:**



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

Date: 8-22-13

**IT IS SO ORDERED:**

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

Date: 9/11/13

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 222 West Kalama River Rd  
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## Smith, Candace

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**From:** Russell, Heather  
**Sent:** Tuesday, September 10, 2013 12:29 PM  
**To:** Smith, Candace  
**Subject:** payment received for RCRA-10-2013-0153

Hi Candace,

We just received this payment today of \$3750.00 for this CAFO that I assume has not been finalized yet? Thanks!!

*Heather Russell*

U.S. Environmental Protection Agency

Cincinnati Finance Center

Non-Superfund, R3/R4/R7/R10

Phone: 513-487-2044

Fax: 513-487-2063

[Russell.Heather@epa.gov](mailto:Russell.Heather@epa.gov)