

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

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HEARINGS CLERK
EPA--REGION 10

IN THE MATTER OF:)	Docket No. RCRA-10-2015-0064
)	
Kenmore Air Harbor)	EXPEDITED SETTLEMENT
Kenmore, Washington)	AGREEMENT AND
)	FINAL ORDER
EPA ID Number WAD 00279 9187)	
)	
Respondent)	
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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. Kenmore Air Harbor ("Respondent") is the owner and/or operator of a facility at 6321 NE 175th Street, Kenmore, Washington 98028 ("Facility"). The EPA inspected the Facility on March 25, 2014. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-200(2)(a)(i) references WAC 173-303-630(5)(a), which requires that satellite containers used to accumulate dangerous waste be kept closed. WAC 173-303-200(2)(a)(ii) references WAC 173-303-200(1)(d), which requires that satellite containers must be marked with the words "Hazardous Waste" or "Dangerous Waste" and a label identifying the major risk associated with the waste. On March 25, 2014, a satellite container used to collect waste from the dishwasher and a satellite container used to collect waste from the bead blaster unit were not closed, not marked with the words "Hazardous Waste" or "Dangerous Waste," and not labeled with the major risk associated with the waste, in violation of conditions set forth in WAC 173-303-200(2)(a).
 - b. WAC 173-303-200(2) allows a generator to accumulate up to 55 gallons of waste in a container located at or near any point of generation where waste initially accumulates. On March 25, 2014, wastes being accumulated in the aerosol can popper unit were being transferred to a satellite container near the paint shop that was not at or near the initial point of generation, in violation of WAC 173-303-200(2).
 - c. WAC 173-303-573(9)(c)(ii) requires that containers of universal waste lamps be kept closed. On March 25, 2014, a container of universal waste lamps in the oil shed was not closed, in violation of WAC 173-303-573(9)(c)(ii).
 - d. WAC 173-303-220(2)(b) requires that an exception report be submitted when a signed copy of the manifest is not returned within 45 days of shipment. On March 25, 2014, no exception reports had been submitted for manifest numbers 005225175, 005226733, and 005224838, which were not returned within 45 days of shipment, in violation of WAC 173-303-220(2)(b).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of four thousand dollars (\$4,000.00) 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:

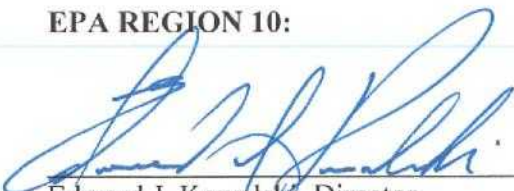
Name (print): Gregg Munro

Title (print): Chairman

Signature: Gregg Munro

Date: 5/29/15

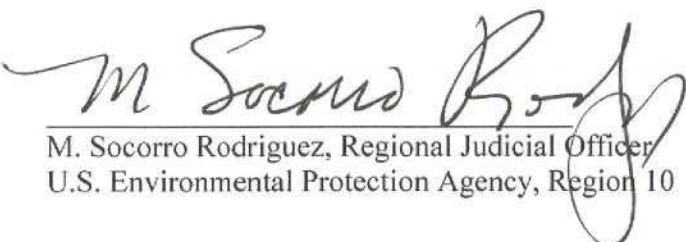
EPA REGION 10:



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

Date: 5/27/2015

IT IS SO ORDERED:



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

Date: 6/8/15

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Kenmore Air Harbor Docket No.: RCRA-10-2015-0064**, 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, AWT-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. George Thompson
Kenmore Air Harbor
P.O. Box 82064
Kenmore, Washington 98028-0064

DATED this 9th day of June, 2015


Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10