

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

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EPA -- REGION 10

IN THE MATTER OF: )  
)  
Joint Base Elmendorf-Richardson )  
Anchorage, Alaska )  
EPA ID Number AK8 57002 8649 )  
)  
Respondent. )  
\_\_\_\_\_ )

Docket No. RCRA-10-2012-0009  
EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER

**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. Joint Base Elmendorf-Richardson (“Respondent”) is the owner or operator of the facility previously known as U.S. Army Fort Richardson, located at 730 Quartermaster Road, Anchorage, Alaska 99505 (“Facility”). The EPA inspected the Facility on August 26-27 and 30, 2010. The EPA alleges Respondent violated the following requirements of RCRA:

- a. 40 C.F.R. Part 273 requires that containers of universal waste lamps be labeled [40 C.F.R. § 273.34(e)], kept closed [40 C.F.R. § 273.33(d)(1)], and that the handler be able to demonstrate the length of the time universal waste has been accumulated [40 C.F.R. § 273.35(c)].
  1. On August 26, 2010, two containers of universal waste lamps in building 706 were not closed.
  2. On August 30, 2010, two waste fluorescent lamps in building 658 were not labeled, were not in closed containers, and Respondent did not have a record of when accumulation began.

Failure to properly manage universal waste lamps is a violation of 40 C.F.R. Part 273.

- b. 40 C.F.R. § 262.34 requires that certain conditions be followed to allow the on-site accumulation of hazardous waste for 90 days or less without a permit, including: containers of hazardous waste be labeled with the words “Hazardous Waste” [40 C.F.R. § 262.34(a)(3)], be kept closed [40 C.F.R. § 262.34(c)(1)(i) references 40 C.F.R. § 265.173(a)], and each container be marked with the date when accumulation began [40 C.F.R. § 262.34(a)(2)].
  1. On August 26, 2010, in Building 756, an out-of-service parts washer containing hazardous waste solvent was not labeled, was not closed, and was not marked with an accumulation start date.

2. On August 30, 2010, a 55-gallon waste aerosol can storage container at the Watterson Construction Warrior Site was not labeled and was not marked with an accumulation start date.

Failure to properly manage a container of hazardous waste violates a condition set forth in 40 C.F.R. § 262.34.

- 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.
  1. Based on inspection logs, weekly inspections of the 90-day accumulation area in Building 45125 were not conducted for two consecutive weeks during April 2010.
  2. There were no available weekly inspection logs for the parts washer containing hazardous waste solvent that was being stored in Building 756. The parts washer was out of service with no plans to be used, therefore it was considered waste in storage and inspections were required.
  3. Watterson Construction was not conducting weekly inspections of the 90-day accumulation area at the Warrior Site.

Failure to conduct weekly inspections of hazardous waste accumulation areas is a violation of a condition set forth in 40 C.F.R. § 262.34(a)(1)(i).

- d. 40 CFR § 262.34(a)(4) references 40 C.F.R. § 265.16(c), which requires that facility personnel take part in an annual review of hazardous waste training. Seven employees had exceeded one year since the time of their last hazardous waste training, in violation of a condition set forth in 40 C.F.R. § 262.34(a)(4).
3. 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. Payment under this Agreement must be made by electronic funds transfer (EFT) to the EPA through the Intra-Governmental Payment and Collection (IPAC) system, or by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Respondent must note on the check the title and docket number of this action.

5. Respondent must deliver via United States mail a photocopy of the check or electronic funds transfer described in Paragraph 4 to the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, ORC-158  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

and

Kristin McNeill, RCRA Compliance Officer  
U.S. Environmental Protection Agency  
Region 10, OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101


6. 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.
7. Each party shall bear its own costs and fees, if any.
8. 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.
9. 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.
10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
11. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
12. In signing this Agreement, as a representative of the Department of the Air Force, Respondent is signing as an agent on behalf of the Department of the Army.

IT IS SO AGREED,

**RESPONDENT:**

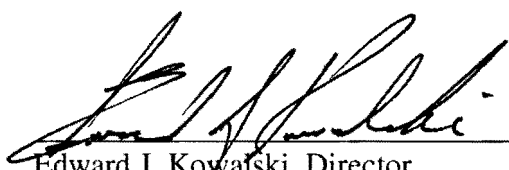
Name (print): Robert D. Evans

Title (print): Commander, 673 Aie Base Wing

Signature: 

Date: 10/6/11

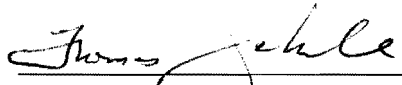
**EPA REGION 10:**



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

Date: 9/28/2011

**IT IS SO ORDERED:**



Thomas Janke, Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 10

Date: 11/3/11

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Joint Base Elmendorf-Richardson, DOCKET NO.: RCRA-10-2012-0009** was filed with the Regional Hearing Clerk on November 4, 2011.

On November 4, 2011, the undersigned certifies that a true and correct copy of the document was delivered to:

Meg Silver, Esquire  
US Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
Suite 900  
Seattle, WA 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 on November 4, 2011, to:

Colonel Robert D. Evans, USAF  
Joint Base Elmendorf-Richardson  
10471 20<sup>th</sup> Street, Suite 139  
Joint Base Elmendorf-Richardson, Alaska 57002-8649

DATED this 4<sup>th</sup> day of November 2011.



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Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10