BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2014-0142
SeaCast, Inc. 6130 31st Avenue NE Marysville, Washington 98271	)	**CONSENT AGREEMENT AND FINAL ORDER**
EPA ID Number: WAD 98176 9805	)	
Respondent.	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 3008(a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a) and (g).

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who has re-delegated this authority to the Regional Judicial Officer in EPA Region 10.

1.3. Pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment

of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and SeaCast, Inc. ("Respondent") agrees to issuance of, the Final Order contained in Part V of this CAFO.

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this CAFO commences this proceeding, which will conclude when the Final Order contained in Part V of this CAFO becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Notification of this action has been given to the Tulalip Tribes Natural Resources Department and the Washington Department of Ecology pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

2.4. Part III of this CAFO contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. 40 C.F.R. § 260.10 defines a "person" as an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a state, or any interstate body.

3.2. 40 C.F.R. § 261.2(a)(1) defines "solid waste" as any discarded material that is not excluded under 40 C.F.R. § 261.4(a) or that is not excluded by a variance granted under 40 C.F.R. §§ 260.30 and 260.31 or that is not excluded by a non-waste determination under 40 C.F.R. §§ 260.30 and 260.34.

3.3. 40 CFR § 261.3 defines "hazardous waste" as a "solid waste" as defined in 40 C.F.R. § 261.2 that has not been excluded from regulation as a hazardous waste under 40 C.F.R § 261.4(b) and which meets any of the criteria identified in 40 C.F.R. § 261.3(a)(2).

3.4. 40 CFR § 260.10 defines "generator" as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.

3.5. Respondent is a Washington corporation doing business in the State of Washington.

3.6. Respondent is a "person" as that term is defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15).

3.7. At all times relevant to the allegations set forth herein, Respondent has been the "owner" and "operator" of the facility located at 6130 31st Avenue NE, Marysville, Washington (the "Facility"), as those terms are defined at 40 C.F.R. § 260.10.

3.8. The Facility is a manufacturing facility where metal products are cast from various steel alloys. These manufacturing activities result in the generation of solid and hazardous wastes.

3.9. The Facility is located within the boundaries of the Tulalip Indian Reservation.

3.10. On January 31, 2012, EPA inspected Respondent's Facility.

3.11. Respondent's Facility is a "generator" as defined by 40 C.F.R. § 260.10.

3.12. At all times relevant to the allegations set forth herein, Respondent's Facility was not a permitted treatment, storage, disposal facility, or an interim status facility under Section 3005 of RCRA, 42 U.S.C. § 6925.

COUNT 1: Failure to Maintain Records of a Hazardous Waste Determination.

3.13. 40 C.F.R. § 262.11 requires a person who generates solid waste to determine if that waste is a hazardous waste using the methods provided in 40 C.F.R. § 262.11(a)-(d).

3.14. 40 C.F.R. § 262.40(c) requires a generator to keep records of any test results, waste analyses, or other determinations made in accordance with 40 C.F.R. § 262.11.

3.15. Prior to the January 31, 2012, inspection of the Facility, a 55-gallon drum of spent alumina sandblast grit, a container of baghouse dust, and a container of Wheelabrator shot blast dust had been generated at the Facility.

3.16. At the time of the inspection of the Facility, Respondent did not possess records or test results demonstrating that it had made a hazardous waste determination for the sandblast grit, baghouse dust, or Wheelabrator shot blast dust.

3.17. Respondent's failure to keep records of any test results, waste analyses, or other determinations made in accordance with 40 C.F.R. § 262.11 is a violation of 40 C.F.R. § 262.40(c).

COUNT 2: Storage of Hazardous Waste without a Permit or Interim Status

3.18. Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c) require that any person who treats, stores, or disposes of hazardous waste have a permit or interim status.

3.19. 40 C.F.R. § 262.34(a) provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements identified at 40 C.F.R. § 262.34(a)(1)-(4) or 40 C.F.R. § 262.34(b).

3.20. 40 C.F.R. § 262.34(a)(1)(i) allows a generator of hazardous waste to accumulate its hazardous waste on site without a permit, provided that the waste is placed in a container as specified.

3.21. On January 31, 2012, dried sodium hydroxide hazardous waste had accumulated on the exterior of a container used to store liquid sodium hydroxide hazardous waste and was not placed in a container.

3.22. 40 C.F.R. § 262.34(b) provides that a generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements specified in that section, including the obligation to obtain a permit for the storage of hazardous waste, unless an extension has been granted.

3.23. On January 31, 2012, two 55-gallon drums of sodium hydroxide hazardous waste were stored in a Conex box at the Facility. One had been stored on-site for 138 days and the other for 128 days.

3.24. Respondent did not have a RCRA permit or interim status authorizing it to store, treat, or dispose of hazardous waste in the Conex box at the Facility for more than 90 days. Respondent had not been granted an extension to store hazardous waste at the Facility for longer than 90 days.

3.25. 40 C.F.R. § 262.34(a)(3) provides that, while being accumulated on-site, each container and tank storing a hazardous waste be labeled or marked clearly with the words "Hazardous Waste."

3.26. On January 31, 2012, two 55-gallon containers of sodium hydroxide waste in the Conex box were not labeled with the words "Hazardous Waste."

3.27. On January 31, 2012, one 55-gallon drum of liquid sodium hydroxide waste was observed in the "90 day hazardous waste accumulation area" at the Facility that was not labeled with the words "Hazardous Waste."

3.28. On January 31, 2012, a plastic five-gallon bucket containing used battery acid, a hazardous waste, was observed in the "90 day hazardous waste accumulation area" at the Facility and was not labeled with the words "Hazardous Waste."

3.29. 40 C.F.R. § 262.34(a)(2) requires that a generator clearly and visibly mark the date upon which each period of accumulation begins for inspection on each container holding a hazardous waste.

3.30. On January 31, 2012, a 5-gallon bucket containing used battery acid, a hazardous waste, was not marked with the start date of the waste's accumulation. Numerous other containers of hazardous waste were stored at the Facility in a manner such that the start-date of hazardous waste accumulation in each container was not visible.

3.31. 40 C.F.R. § 265.35, which is incorporated by reference at 40 C.F.R. § 262.34(a)(4), requires an owner or operator of a facility 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, unless aisle space is not needed for any of these purposes.

3.32. On January 31, 2012, eight containers of sodium hydroxide hazardous waste were stored on two pallets in a Conex box at the Facility with no aisle space between the two pallets that would allow the unobstructed movement of personnel or equipment to that area in an emergency.

3.33. On January 31, 2012, in the "90 day hazardous waste accumulation area" at the Facility there was one 55-gallon container of sodium hydroxide hazardous waste located such that there was not aisle space sufficient to allow the unobstructed movement of personnel or equipment to that area in an emergency.

3.34. 40 C.F.R. § 265.174, which is incorporated by reference at 40 C.F.R. § 262.34(a)(1)(i), requires a generator of hazardous waste to inspect areas where hazardous wastes are stored at least weekly to look for leaking or deteriorating containers.

3.35. Between January 1, 2010, and January 31, 2012, Respondent had inspected the condition of containers of hazardous waste in the Conex box and the "90 day hazardous waste accumulation area" at the Facility only eight times.

3.36. 40 C.F.R. § 265.32(b), which is incorporated by reference at 40 C.F.R. § 262.34(a)(4), requires a generator of hazardous waste to equip its facility with a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams.

3.37. On January 31, 2012, there was no emergency communication device in the vicinity of either the hazardous waste storage area in the Conex box or the "90 day hazardous waste accumulation area" at the Facility.

3.38. 40 C.F.R. § 265.52, which is incorporated by reference at 40 C.F.R. § 262.34(a)(4), identifies the required content of a contingency plan designed to minimize the hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste from a facility.

3.39. On January 31, 2012, there was no contingency plan with the content specified at 40 C.F.R. § 265.52 at the Facility.

3.40. Respondent failed to comply with the conditions for the accumulation of hazardous waste at the Facility without a permit or interim status specified at 40 C.F.R. § 262.34(a)(1)-(4) and 40 C.F.R. § 262.34(b). Respondent operated the Facility as a treatment, storage, or disposal facility without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c).

COUNT 3: Failure to Properly Manage Universal Waste.

3.41. 40 C.F.R. Part 273, Subpart B specifies the requirements applicable to small quantity handlers of universal waste. "Universal waste" includes, among other things, "lamps" as that term is defined at 40 C.F.R. § 273.9.

3.42. Respondent does not accumulate 5,000 kilograms or more of universal waste at any time and therefore is a "small quantity handler of universal waste," as that term is defined at 40 C.F.R. § 273.9.

3.43. 40 C.F.R. § 273.14(e) requires a small quantity handler of universal waste to label or mark clearly each lamp or container or package in which such lamps are contained with one of the following phrases: "Universal Waste-Lamps," or "Waste Lamp(s)," or "Used Lamp(s)."

3.44. On January 31, 2012, seven boxes of lamps were being accumulated at the Facility and were not marked with any of the following phrases: "Universal Waste-Lamps," or "Waste Lamp(s)," or "Used Lamp(s)."

3.45. Respondent failed to label its containers of universal waste lamps that were being accumulated at the facility, in violation of the requirements of 40 C.F.R. § 273.14(e).

3.46. 40 C.F.R. § 273.13(d)(1) requires a small quantity handler of universal waste to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.

3.47. On January 31, 2012, seven boxes of universal waste lamps at the Facility were not closed.

3.48. Respondent failed to contain its universal waste lamps in closed containers or packages, in violation of the requirements of 40 C.F.R. § 273.13(d)(1).

3.49. 40 C.F.R. § 273.15(c) requires a small quantity handler of universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received through one of several specified methods.

3.50. On January 31, 2012, there were seven boxes of lamps being accumulated as universal wastes with no records or markings or other method in use to be able to demonstrate the length of time that the lamps had been accumulated.

3.51. Respondent was unable to demonstrate the length of time universal waste lamps had been accumulated at the Facility in violation of the requirements of 40 C.F.R. § 273.15(c).

3.52. Under Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $37,500 per violation per day, issue an order requiring compliance, or both.

IV. CONSENT AGREEMENT

4.1. Respondent admits the jurisdictional allegations of this CAFO.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this CAFO.

4.3. As required by Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), EPA has taken into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is $18,000.

4.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3 within 30 days of the effective date of the Final Order contained in Part V of this CAFO, and to undertake the actions specified in the Consent Agreement.

4.5. Payment under this CAFO may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: http://www.epa.gov/ocfo/finservices/payment_instructions.htm. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check or other payment method the title and docket number of this action.

4.6. Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

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

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

4.7. If Respondent fails to pay the penalty assessed by this CAFO in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. Such failure may also subject Respondent to a civil action to collect the assessed penalty under Section 3008(a) and (g), 42 U.S.C. § 6928(a) and (g), together with interest, fees, costs, and additional penalties described below. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the penalty assessed by this CAFO in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621 from the effective date of the Final Order contained

herein, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of $15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on portion of the assessed penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective action within the time specified in the Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraphs 4.8 and 4.9, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.11. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

4.12. Except as described in Paragraphs 4.8 and 4.9, each party shall bear its own costs and attorneys fees in bringing or defending this action.

4.13. Respondent agrees to implement a Supplemental Environmental Project ("SEP") consisting of the purchase, installation, and operation of a high pressure water blast system ("Water Blast System") for use in the metal casting cleaning process at Respondent's Marysville, Washington, facility in accordance with the schedule provided in paragraph 4.15. The Water Blast System shall be capable of removing ceramic shells from most metal cast impellers and will substantially reduce demand for caustic sodium hydroxide cleaning solutions that otherwise would be used, and thereby reduce the volume of hazardous waste generated at the facility.

4.14. The Water Blast System shall consist of at least the following components: (1) a water blast cleaning cabinet; (2) a device for the removal of ceramic debris; and (3) a high pressure pump.

4.15. SeaCast shall complete installation of the Water Blast System and commence operating the system no later than 150 days after the effective date of the Final Order contained in Part V of this CAFO. SeaCast shall notify EPA in writing of the date when operation of the Water Blast System has commenced. SeaCast shall operate the Water Blast System for at least 12 continuous months.

4.16. Respondent's deadline to perform the SEP shall be excused or extended if such performance is prevented or delayed solely by events which constitute a *Force Majeure* event. A *Force Majeure* event is defined as any event arising from causes beyond the reasonable control of Respondent, including its employees, agents, consultants, and contractors, which could not be overcome by due diligence and which delays or prevents performance of a SEP within the specified time period. A *Force Majeure* event does not include, *inter alia*, increased cost of performance, changed economic circumstances, changed labor relations, normal precipitation or

climate events, changed circumstances arising out of the sale, lease, or other transfer or conveyance of title or ownership or possession of a site, or failure to obtain federal, state, or local permits.

4.17. Respondent certifies to the truth, accuracy, and completeness of all cost information provided to EPA in connection with EPA's approval of the SEP, and that Respondent in good faith estimates that the cost to implement the SEP will be at least $230,000.

4.18. Respondent also certifies that, as of the date of this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by another agreement, under a grant, or as injunctive relief in any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP; that the SEP is not a project that Respondent was planning or intending to construct, perform, or implement other than in settlement of the claims resolved in this Consent Agreement; and that Respondent will not receive any reimbursement for any portion of the SEP from any other person or entity. For federal income tax purposes, Respondent agrees that it will neither capitalize in inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

4.19. Respondent hereby certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP described in Paragraph 4.13.

4.20. Respondent shall within 30 days after the completion of 12 months of operation of the Water Blast System submit to EPA a SEP Completion Report. Respondent's SEP

Completion Report shall provide at least the following information: (1) a description of the SEP as implemented, and a certification that the SEP has been implemented in accordance with the requirements of this CAFO; (2) data on the types and volume of hazardous waste generated at the Marysville facility on a calendar month basis during each of the 12 months of the Water Blast System's operation; (3) data on the types and volume of hazardous waste generated at the Marysville facility on a calendar month basis during the 12 months prior to operation of the Water Blast System; (4) data on the total amounts of water and energy used by the Water Blast System during each of the 12 months of the System's operation; (5) a comparison of annual operational costs of the Water Blast System as compared to the hazardous waste management and disposal costs associated with the caustic cleaning system used in the previous 12 month period; and (6) a summary of the costs expended to implement the project.

4.21. Respondent agrees that EPA may inspect Respondent's records related to the SEP at any reasonable time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

4.22. Respondent shall maintain legible copies of documentation of the underlying data for documents or reports submitted to EPA pursuant to this CAFO until the SEP Completion Report is accepted pursuant to Paragraph 4.23, and Respondent shall provide the documentation of any such underlying data to EPA within 15 days of a written request for such information. In all documents or reports including, without limitation, the SEP Completion Report submitted to EPA pursuant to this CAFO, Respondent shall, by a corporate officer, sign and certify under penalty of law that the information contained in such a document or report is true, accurate, and not misleading by signing the following statement:

"I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

4.23. Following receipt of the SEP Completion Report described in Paragraph 4.20, EPA will do one of the following: (1) accept the Report; (2) reject the Report, notify Respondent, in writing, of deficiencies in the Report, and provide Respondent an additional 30 days in which to correct any deficiencies; or (3) reject the Report and seek stipulated penalties in accordance with Paragraph 4.25.

4.24. If Respondent fails to satisfactorily complete the SEP as contemplated by this CAFO and this failure was not caused solely by events which constitute a *Force Majeure* as defined by Paragraph 4.16, then stipulated penalties shall be due and payable by Respondent to EPA upon demand in accordance with Paragraph 4.26. The determination of whether the SEP has been satisfactorily completed and whether Respondent has made a good faith, timely effort to implement the SEP is reserved to the sole discretion of EPA.

4.25. If Respondent fails to satisfactorily implement or complete the SEP required by this CAFO, Respondent shall pay stipulated penalties, upon written demand from EPA, in the following amount for each day that a requirement in paragraphs 4.13, 4.15, or 4.20 remains incomplete:

Period of Noncompliance	**Penalty Per Violation Per Day**
1st through 7th day	$100

8th through 21st day	$250
22nd through 30th day	$500
Greater than 30 days	$1,000

4.26. Respondent shall pay stipulated penalties within 15 days of receipt of a written demand by EPA for such penalties. Payment shall be in accordance with the provisions of Paragraphs 4.5 and 4.6. Interest and late charges shall be paid as stated in Paragraph 4.8. EPA may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due under this Consent Agreement.

4.27. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an administrative enforcement action taken by the U.S. Environmental Protection Agency under the Resource Conservation and Recovery Act."

4.28. Based on the findings contained in the Consent Agreement, Respondent is also ordered to comply with the following requirements pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a):

4.28.1. Respondent shall, by no later than 60 days after the effective date of the Final Order contained in Part V of this CAFO, implement a procedure to identify production processes at the Facility that utilize new or uncommon metal alloys or alloys with high metal concentrations, and to take necessary samples of wastes from such processes to determine whether or not the wastes are hazardous wastes, in accordance with 40 C.F.R. § 262.11.

4.28.2. Respondent shall, by no later than 60 days after the effective date of the Final Order contained in Part V of this CAFO, implement a procedure to ensure that copies of all hazardous waste determinations made in accordance with 40 C.F.R. § 262.11 are maintained at the Facility for at least five years from the date that the waste was most recently generated.

4.28.3. Respondent shall, by no later than 60 days after the effective date of the Final Order contained in Part V of this CAFO, implement a procedure to require management-level review of records of the weekly inspections conducted at the Facility pursuant to 40 C.F.R. § 265.174 sufficient to ensure that all issues of concern identified during the inspection are promptly corrected, and to ensure that hazardous waste is not stored at the Facility for longer than 90 days.

4.28.4. Respondent shall, by no later than 60 days after the effective date of the Final Order contained in Part V of this CAFO, develop and implement a contingency plan meeting the requirements of 40 C.F.R. Part 265, Subpart D.

4.28.5. Respondent shall, by no later than 70 days after the effective date of the Final Order contained in Part V of this CAFO, submit compliance documentation sufficient to demonstrate the timely completion of each of the obligations specified in paragraphs 4.28.1 through 4.28.4.

4.29. Respondent shall provide compliance and SEP documentation required by this Consent Agreement to the following address:

Kristin McNeill, Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-127
1200 Sixth Avenue, Suite 900

Seattle, Washington 98101

4.30. This Consent Agreement shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP undertaken pursuant to this Agreement.

4.31. Respondent expressly waives any right to contest the allegations contained in this CAFO and to appeal the Final Order set forth in Part V of this CAFO, including the right to administrative or judicial review of any issue of fact or law set forth in this CAFO.

4.32. The provisions of this CAFO shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.33. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

7-30-14

FOR RESPONDENT:

BERTRAND ROBINS, Vice President
SeaCast, Inc.

DATED:

8/4/2014

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

V. FINAL ORDER

5.1. The terms of the foregoing Parts I-IV are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

5.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

5.3. This Final Order shall become effective upon filing.

SO ORDERED this 11th day of August, 2014

M. SOCORRO RODRIGUEZ
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: SeaCast, Inc., Docket No.:** RCRA-10-2014-0142, 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:

Shirin Gallagher, Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-158
1200 Sixth Avenue, 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:

Bertrand Robins, Vice President
SeaCast, Inc.
6130 31st Avenue NE
Marysville, Washington 98271

DATED this 12th day of Aug, 2014.

Candace Smith

CANDACE H. SMITH
Regional Hearing Clerk
EPA Region 10