

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2015 JUL 30 AM 10: 07
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

IN THE MATTER OF:)	Docket No.
)	RCRA-07-2015-0022
)	
Cardinal Health 110, LLC)	
Kansas City Distribution Center)	EXPEDITED SETTLEMENT
EPA ID. No. MOR000539676)	AGREEMENT AND
Respondent.)	FINAL ORDER
)	
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Cardinal Health 110, LLC, Kansas City Distribution Center (“Respondent”), owner or operator of the facility located at 7601 Gardner Avenue, Kansas City, Missouri (the “Facility”), failed to complete hazardous waste determinations and operated as a treatment, storage or disposal facility without a permit or without interim status by failing to comply with three generator requirements under the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Missouri hazardous waste management program. See 10 CSR 25-5.261 and 10 CSR 25-5262.
2. During an inspection of the Facility on January 24 – 25, 2013, and after review of supplemental information provided by Respondent, the following violations of Missouri regulations were observed:
 - a. Failure to perform hazardous waste determinations on the following containers pursuant to 40 C.F.R. §§ 261 and 262.11, as incorporated by reference at 10 CSR 25-4.261:
 1. 16 10-ounce bottles of Camphor Block;
 2. 6 3.5-ounce bottles of Ethyl Chloride; and
 3. 5 250-mililiter bottles of Sevoflurane Inhalation Anesthetic.
 - b. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S. Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities. The regulations at 40 C.F.R. § 262.34(a) state that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. If a generator fails to comply with any of these conditions, the generator is not allowed to store hazardous

waste at their facility for any length of time. At the time of the inspection, Respondent failed to comply with the following conditions:

1. Failure of two facility personnel to take part in an annual review of the initial RCRA training in 2011 and failure of five facility personnel to take part in an annual review of the initial RCRA training in 2012;
2. Failure to update the names, addresses and phone numbers (office and home) of the emergency coordinator(s) in the contingency plan; and
3. Failure to include a list of all emergency equipment at the facility, the location and a physical description of each item on the list, and a brief outline of its capabilities in the contingency plan.

Because Respondent failed to comply with the conditions set forth above, Respondent was not authorized to store hazardous waste at its facility for any length of time, and therefore was operating a hazardous waste storage facility without a permit.

3. EPA and Respondent agree that settlement of this matter for a penalty of Six Thousand Dollars (\$6,000) is in the public interest.
4. 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).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to Missouri 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; (5) waives any right to contest any issue of fact or law set forth herein; and (6) waives its right to appeal the Final Order accompanying this Agreement.
6. 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 has been corrected, and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.
8. The civil penalty of Six Thousand Dollars (\$6,000) should be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. 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.

11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
12. Each party shall bear its own costs and fees, if any.
13. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

14. Respondent shall pay a civil penalty of Six Thousand Dollars (\$6,000) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
15. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent via certified mail to the following:

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Kelley Catlin
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.
16. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
17. This Expedited Settlement Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO AGREED,

Thomas J. Morgan
Name (print)

Director of ops
Title (print)

TJM
Signature

Date 7/17/15

APPROVED BY EPA:

[Signature]
Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Date 7-24-15

Kelley Cain
Kelley Cain, Attorney
Office of Regional Counsel

Date 7/23/15

IT IS SO ORDERED:

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date July 30, 2015

IN THE MATTER Of Cardinal Health 110, LLC, Respondent
Docket No. RCRA-07-2015-0022

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy by email to Attorney for Complainant:

catln.kelley@epa.gov

Copy by First Class Mail to:

David W. Nunn
Attorney at Law
One Seagate 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032

Dated: 7/30/15

A handwritten signature in black ink that reads "Kathy Robinson". The signature is written in a cursive style and is positioned above a horizontal line.

Kathy Robinson
Hearing Clerk, Region 7