

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK
EPA -- REGION 10

IN THE MATTER OF:)

EcoLights Northwest)
Seattle, Washington)

EPA ID Number WAH 00002 6371)

Respondent)

Docket No. RCRA-10-2016-0055

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. Ecolights Northwest ("Respondent") is the owner and/or operator of a facility at 1915 South Corgiat Drive, Seattle, Washington 98124 ("Facility"). The EPA inspected the Facility on February 25, 2014. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. The regulations at WAC 173-303-573(35) set standards for the operation of a universal waste destination facility, including requiring compliance with the standards referenced below:
 1. WAC 173-303-630(6) requires that the owner or operator inspect areas where dangerous waste containers are stored at least weekly and keep an inspection log. On February 25, 2014, Respondent did not have an inspection log entry for the week of May 12 – 18, 2013.
 2. WAC 173-303-630(5)(a) requires that dangerous waste containers be kept closed except when adding or removing waste. On February 25, 2014, multiple containers of waste lamps in the receiving and staging area were not closed.
 3. WAC 173-303-340(3) requires that the owner or operator maintain aisle space adequate to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility. On February 25, 2014, containers of waste lamps in the receiving and staging area were not arranged in a manner that would allow unobstructed movement.
 4. WAC 173-303-120(4)(c)(ix) requires that the owner or operator of a facility that receives recyclables from off-site verify the waste designation of the waste at least once every six months. On February 25, 2014, the designation of the phosphor powder had most recently been verified in 2010.
 - b. WAC 173-303-573(22)(c) requires that a large quantity handler of universal waste be able to demonstrate the length of time that the universal waste has been accumulated from the time it was received onsite. On February 25, 2014, universal waste batteries were sorted

and accumulated in such a manner that it was impossible to accurately demonstrate the length of time that the universal waste batteries had been accumulated from the time they were received onsite.

- c. WAC 173-303-220(2)(b) requires that a generator submit an exception report to the Washington State Department of Ecology if he has not received a copy of the manifest signed by the owner/operator of the designated facility within 45 days of the date the waste was accepted by the original transporter. On February 25, 2014, exception reports had not been submitted for two manifests for which the signed copy was not received within 45 days.
3. The 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. 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:

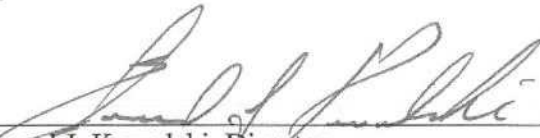
Name (print): CRAIG LORCH

Title (print): MANAGER

Signature: 

Date: 3/1/14

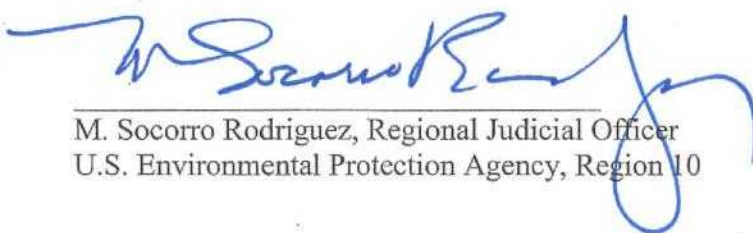
EPA REGION 10:



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

Date: 2/16/2016

IT IS SO ORDERED:



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

Date: March 10, 2016

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Ecolights Northwest Docket No.: RCRA-10-2016-0055**, 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, OAWT-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. Craig Lorch
Ecolights NW
P.O. Box 94291
Seattle, Washington 98124

DATED this 10 day of March, 2016



Signature

Teresa Luna
Regional Hearing Clerk
EPA Region 10

