

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	Docket No. RCRA-10-2025-0155
)	
)	
King County Department of Local Services – Road)	
Services Division)	
155 Monroe Avenue NE)	
Renton, WA 98056)	
)	EXPEDITED SETTLEMENT
EPA ID No. WAD047476882)	AGREEMENT AND
)	
Respondent)	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”), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
2. By copy of this letter, the EPA is providing the State of Washington with notice of the referenced violations of Subtitle C of RCRA as required by Section 3008(a)(2), 42 U.S.C. § 6928(a)(2).
3. King County Department of Local Services – Road Services Department (“Respondent”) is the owner or operator of the facility at 155 Monroe Ave NE, Renton WA 98056 (“Facility”).
4. As a ‘generator’ of ‘hazardous wastes’ which are also ‘dangerous wastes’ as those terms are defined by WAC 173-303-040 and -070 (2014), Respondent is subject to the Washington Dangerous Waste Management Program in chapter 173-303 of the Washington Administrative Code (“WAC”).
5. The EPA granted the State of Washington final authorization to administer and enforce its hazardous waste program and to carry out such program in lieu of the federal program, in accordance with Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). The EPA may enforce the federally approved Dangerous Waste Management Program, in accordance with Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The EPA most recently authorized the Washington Dangerous Waste Management Program in effect on December 31, 2014. *See* 83 Fed. Reg. 10,383 (Apr. 9, 2018).
6. Owners and operators of facilities that transfer, treat, store, or dispose or recycle dangerous waste are required to obtain a dangerous waste permit issued by the State of Washington. WAC

173-303-800(2). Owners and operators of facilities that generate dangerous waste may only store and/or accumulate dangerous waste onsite in conformance with a dangerous waste permit, in conformance with the interim status facility standards at WAC 173-303-400, or in conformance with the conditions for exemption from the permit requirements at WAC 173-303-200.

7. For a large quantity generator (“LQG”) to accumulate dangerous waste onsite for up to 90 days after the date of generation without a permit, that LQG must, *inter alia*, place dangerous waste in containers and must satisfy the requirements of WAC 173-303-630(2)-(6), (8)-(10) and 40 CFR part 265 subparts AA, BB, and CC. WAC 173-303-200(1)(b)(i).
8. Respondent generates at least 2,200 pounds of hazardous wastes in a calendar month at the Facility, and the Facility is a LQG for purposes of the EPA approved and authorized Washington Dangerous Waste Management Program. WAC 173-303-200.
9. At all times relevant to this ESA, Respondent did not have a ‘dangerous waste permit’ or ‘interim status,’ as those terms are used in Washington’s dangerous waste regulations in chapter 173-303 WAC (2014) and therefore could only accumulate or store hazardous waste at the Facility in conformance with the applicable exemption requirements of WAC 173-303-200. WAC 173-303-170(3)(a); *see also* WAC 173-303600(2), (3)(d).
10. On September 29, 2022, the EPA conducted an inspection of the Facility pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, to determine Respondent’s compliance with Washington’s dangerous waste regulations (the “Inspection”). The EPA alleges that Respondent violated the following requirements of RCRA and of the EPA approved and authorized Washington Dangerous Waste Management Program:

a. Failure to Make a Waste Determination

A person who generates a solid waste, as defined in Washington Administrative Code (WAC) 173-303-070, must make an accurate determination as to whether that waste is a dangerous waste to ensure wastes are properly managed according to applicable RCRA regulations.

During the 9/29/22 inspection, the EPA inspector observed a discarded leather glove in a large plastic trash can in Building F. Leather gloves are known to fail TCLP for chromium (D007).

In Building F discarded aerosol cans were found by the EPA inspector in three trash receptacles. The EPA Inspector shook the cans and determined that they were not empty. Based on the labels, these aerosol cans were ignitable waste (D001).

In Building P, the EPA inspector noted that in the Traffic Striping Paint Area that there was unidentified waste paint material for which the Facility did not subsequently provide waste determination information.

Failure to make a dangerous waste determinations is a violation of WAC 173-303-070 (2014).

b. Storage of Dangerous Waste for Greater than 90 Days without a Permit

WAC 173-303-200 prohibits a generator to store dangerous waste for greater than 90 days without a permit.

In the Facility's Central Accumulation Area (CAA), the EPA inspector observed a blue, 55-gallon container of waste labeled marked as containing mixed automotive fluids with a dangerous waste label and a hazard indicator had an accumulation start date (ASD) of 12/1/21. This container had been in the CAA at the time of the inspection for 302 days.

Also, in the Facility's CAA, the EPA inspector observed a 55-gallon container that held thirteen waste aerosol cans. The container was also marked with an ASD of 5/2/22. According to the ASD, the container had been in accumulation for greater than 90-days. At the time of the inspection, the container had been in accumulation for 150 days.

Storing dangerous waste for greater than 90 days without a permit is a violation of WAC 173-303-200.

c. Failure to Comply with Conditions to Operate Without a Permit or Interim Status

The owner or operator of a dangerous waste facility that transfers, treats, stores, or disposes or recycles dangerous waste must obtain a permit in accordance with WAC 173-303-800 through WAC 173-303-840 covering, in part, the active life of the dangerous waste management facility. [WAC 173-303-800(2) & 40 C.F.R. § 270.1(c)]. A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation if the generator complies with the conditions for exemption stated at WAC 173-303-200.

The Facility does not have a RCRA permit, a dangerous waste permit, or interim status, and based on the Inspection, the Facility did not comply with the conditions necessary to remain exempt from the permit requirement when accumulating dangerous waste on-site as outlined in the violations below (as described in paragraphs associated with c(i) to c(v)).

i. Failure to comply with condition of container requirements

The regulations at WAC 173-303-200(1)(b)(i) require that generators comply with the condition of container requirements set forth in WAC 173-303-630(2) which states that if a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

In Building P, the Traffic Striping Paint Area, the EPA inspector observed yellow paint which had leaked out of one of the totes and had been allowed to solidify on the asphalt surface on which it had leaked.

ii. Failure to properly mark or label containers of dangerous waste

The regulations at WAC 173-303-200(1)(d) require generators to label or mark containers of dangerous waste with the words “dangerous waste” or “hazardous waste” while they accumulate on site. The regulations also require generators to mark with a label or sign containers of dangerous waste identifying the major risk(s) associated with the waste in the container for employees, emergency response personnel and the public.

In the CAA, the EPA Inspector observed one blue, 15-gallon container and nineteen containers of roadside waste that did not have a hazard indicator nor the words “dangerous waste” or “hazardous waste.”

In the Facility’s hazardous waste shed area of the CAA, the EPA Inspector observed a 96-gallon trash receptacle which Facility personnel claimed was a satellite accumulation area which was holding approximately 25 waste aerosol containers. The 96-gallon trash receptacle was not marked with a hazard indicator nor the words “hazardous waste” or “dangerous waste.”

In the CAA, the EPA Inspector observed one 5-gallon container of waste flares that did not have the words “dangerous waste” or “hazardous waste.”

iii. Failure to mark containers with the starting date of accumulation of dangerous waste

The regulations at WAC 173-303-200(1)(c) require generators to mark or label containers of dangerous waste with the date upon which each period of accumulation began.

In the CAA, the EPA inspector observed one, blue 15-gallon container and one 5-gallon container of waste flares that did not have accumulation start dates.

iv. Failure to inspect central accumulation areas of dangerous waste weekly

The regulations at WAC 173-303-200(1)(b)(i) require generators to comply with WAC 173-303-630(6) which provides that generators at least weekly inspect the central accumulation area in which dangerous waste accumulates.

While conducting a record review during the on-site inspection, the EPA inspector noted that the Facility did not conduct weekly inspections of the CAA for the weeks of December 6 - 12, 2020, March 28 - April 3, 2021, April 4 - 10, 2021, June 27 - July 3, 2021, and December 26, 2021 - January 1, 2022.

Based on records provided by the Facility after EPA’s on-site inspection, the Facility did not conduct weekly inspections of the CAA for four weeks in May of 2022 (May 1 - 7, 2022, May 8 - 14, 2022, May 15 - 21, 2022, and May 22 - 28, 2022).

v. Failure to keep containers of dangerous waste closed

The regulations at WAC 173-303-200(1)(b)(i) require generators to comply with WAC 173-303-630(5)(a) which requires that containers holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

In Building P, the EPA inspector observed that a yellow paint container of D001 dangerous waste was not closed.

In Building P's Traffic Striping Paint Area, the EPA inspector observed over twelve 5-gallon containers of D001 dangerous waste paint that were open.

In the CAA, the EPA inspector observed two, blue 15-gallon containers of waste epoxy that were not closed.

In the CAA, the EPA inspector observed a container of flares which was not closed.

In the CAA, the EPA inspector observed two 5-gallon containers of orphaned waste which were not closed.

In the CAA, the EPA inspector observed a 55-gallon drum holding thirteen waste aerosol cans which was not closed.

In a Satellite Accumulation Area of the CAA, the EPA inspector observed a 5-gallon container of Chlor-D-Tect kits which was not closed.

d. Failure to Properly Manage Universal Waste

i. Failure to Properly Manage Universal Waste – Labeling and Marking

The regulations at WAC 173-303-573(10)(a) require small quantity handlers of universal waste batteries to label or mark their universal waste batteries (that is, each battery), or a container in which the equipment is contained, must be clearly labeled with any one of the following phrases: "Universal Waste Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

The regulations at WAC 173-303-573(10)(b) require small quantity handlers of universal waste mercury-containing equipment (that is, each device) (that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Mercury Containing Equipment(s)," or "Waste Mercury Containing Equipment," or "Used Mercury Containing Equipment."

The regulations at WAC 173-303-573(10)(c) require small quantity handlers of universal waste lamps to label or mark their universal waste lamps (that is, each lamp), or a container in which the lamps are accumulated, with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

In the CAA, the EPA inspector observed a box of waste batteries that was not properly labeled.

In the CAA, the EPA inspector observed mercury switches that were not properly labeled.

In the CAA, the EPA inspector observed a tote of waste lamps that was not properly labeled.

The Facility's failure to properly label universal waste is a violation of WAC 173-303-573(10)(a-c).

ii. Failure to Close Universal Waste Container

The regulations at WAC 173-303-573(9)(c) require small quantity handlers of universal waste lamps manage their waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment. WAC 173-303-573(9)(c)(ii) states small quantity handlers must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Further, the containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

In the CAA, the Inspector observed a container of approximately 16 waste mercury switches was not closed.

The Facility's failure to close universal waste containers is a violation of WAC 173-303-573(9)(c).

e. Failure to Label Used Oil Containers

WAC 173-303-515(6) (2014) sets forth the standards for used oil generators and requires compliance with 40 C.F.R. Parts 279.20 through 279.24 which are incorporated by reference. Pursuant to 40 C.F.R. § 279.22(c)(1), containers used to store oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

In Building F, the EPA inspector observed three used oil drain pans and one spill pallet that contained used oil but were not labeled with the words "Used Oil."

In Building G, the EPA inspector observed multiple (more than four) instances in which pans containing used oil were not labeled with the words "Used Oil."

Failure to label the used oil drain pans with the words "Used Oil" is a violation of WAC 173-303-515(6).

11. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this

action is \$19,500. The attached Penalty Calculation Worksheet is incorporated by reference.

12. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing 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 the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (7) consents to electronic service of the filed ESA.
13. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of \$19,500 for the RCRA violations identified in this Agreement. Payments under this Agreement may be made by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <https://www.epa.gov/financial/makepayment>. 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 979078
St. Louis, Missouri 63197-9000

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

14. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 13 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Jon Jones
U.S. Environmental Protection Agency
Region 10
Jones.Jon@epa.gov

15. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and Final Order and to execute and legally bind Respondent to it.
16. 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.
17. Each party shall bear its own costs and fees, if any.
18. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.
19. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of

this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.

20. This Agreement is binding on the parties signing below and, in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order with the Regional Hearing Clerk for the EPA, Region 10.

IT IS SO AGREED,

RESPONDENT:

Name (print): Leon Richardson

Title (print): Director, Department of Local Services

Signature: Richardson, Leon Digitally signed by Richardson, Leon
Date: 2025.08.26 18:17:27 -07'00'

Date: 8/26/2025

EPA REGION 10:

EDWARD KOWALSKI Digitally signed by EDWARD KOWALSKI
Date: 2025.09.02 11:22:06 -07'00'

Date: _____

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

FINAL ORDER

I hereby ratify the Expedited Settlement Agreement and incorporate it by reference. This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall be effective immediately upon filing with the Regional Hearing Clerk for the EPA, Region 10. Such filing will conclude this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED,

Garth Wright, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: _____

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: King County Department of Local Services - Road Service Division, Docket No.: RCRA-10-2025-0155, 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 via electronic mail to:

Jon Jones
U.S. Environmental Protection Agency
Region 10
Jones.Jon@epa.gov

Leon Richardson
King County Department of Local Services – Road Services Division
155 Monroe Avenue NE
Renton, WA 98056

DATED this _____ day of _____, 2025.

Regional Hearing Clerk
EPA Region 10