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BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK  
EPA--REGION 10

IN THE MATTER OF:	)	
	)	Docket No. RCRA-10-2019-0050
Dept. of Veterans Affairs	)	
Puget Sound Health Care System Seattle Division	)	
Seattle, WA 98108	)	AGREEMENT AND
	)	
EPA ID Number: WA1360007313	)	FINAL ORDER
	)	
Respondent	)	
_____	)	

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. Department of Veterans Affairs Puget Sound Health Care System (VA PSHCS) Seattle Division ("Respondent") is the owner or operator of a facility at 1660 S. Columbia Way, Seattle, WA ("Facility"). The EPA inspected the Facility on May 22, 2018. The EPA alleges Respondent violated the following requirements of RCRA:
  - a. The regulation found at WAC 173-303-200(1)(b)(i) allows a generator to accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that the waste is placed in containers and among other things the facility complies with: WAC 173-303-200(1)(c) which requires that the date upon which each period of accumulation begins is marked and clearly visible for inspection on each container while being accumulated on site, and WAC 173-303-200(1)(d) which requires that each container is labeled or marked clearly with the words, "dangerous waste" or "hazardous waste," and marked with a label or sign which indicates the major risk(s) associated with the waste in the container, and WAC 173-303-630(5)(a) which requires that a container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

At the time of the inspection, in the indoor portion of the Central Accumulation Area (CAA) the inspectors observed several containers that held hazardous waste. These containers included: one container of waste xylenes, four containers of waste ethanol, a stack of plastic bins that held "clean cell," and a container of methanol stains. None of these containers were marked with the date that accumulation began in violation of WAC 173-303-200(1)(c).

At the time of the inspection, in the outdoor portion of the CAA the inspectors observed a 55-gallon drum that contained 30% acetonitrile, 30% methanol, 30% water, and 10% isopropyl



alcohol. The container did not have an accumulation start date or risk label in violation of WAC 173-303-200(1)(c) and (d).

At the time of the inspection, in a shed in the outdoor portion of the CAA, the inspectors observed two fifty-five-gallon plastic drums. One was approximately ½ full of a pink fluid and the other held a few inches of the same fluid. The label on one of the containers indicated the contents as a mixture of xylene and alcohol. Neither container had an accumulation start date in violation of WAC 173-303-200(1)(c). Additionally, the bung hole of the second container was open in violation of WAC 173-303-630(5)(a).

At the time of the inspection, in the outdoor portion of the CAA, the inspectors observed a waste aerosol spray can of adhesive (INLINE Super PolyTack4). The aerosol can did not have a hazardous waste label or risk label on it in violation of WAC 173-303-200(1)(d) *SD for EK.*

- b. The regulation found at WAC 173-303-200(2)(a)(ii) allows a generator to accumulate as much as fifty-five gallons of dangerous waste or one quart of acute waste at or near any point of generation where waste initially accumulates without a permit or interim status provided he comply with certain conditions. These conditions include, WAC 173-303-200(1)(d) which requires that while being accumulated on site, each container is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container; and, WAC 173-303-630(5)(a) which requires that a container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

At the time of the inspection in the In the Research Building 1, Room 720, the inspectors observed two containers. One container held Fluoro-Jace C (0.0001%), acetic acid (0.1%) and "d" water (99.89%) and the other held distilled water (86%), acetic acid (10%), sodium hydroxide (4%) and thionin (0.125 %). Neither container was marked with the risk associated with the waste in the container in violation of WAC 173-303-200(1)(d).

At the time of the inspection, also in the Research Laboratory Building 1, Room 720, the inspectors observed two containers of waste formaldehyde. Neither container was marked with the words "hazardous or dangerous waste" or the risk associated with the waste in the container, in violation of WAC 173-303-200(1)(d).

At the time of the inspection, in Building 13, Room 106, under the fume hood, the inspectors observed a container that was labeled as hazardous waste chloroform. The container was not labeled or marked with the risk associated with waste in the container, in violation of WAC 173-303-200(1)(d).

At the time of the inspection, in the shop building, the inspectors observed containers that held shop towels. The containers were labeled as "oily waste" even though the shop towels were being managed as hazardous waste. The containers were not labeled or marked with the words "hazardous waste" or "dangerous waste" nor were they labeled or marked with the risk associated with the waste in the containers in violation of WAC 173-303-200(1)(d). At least one container had a towel hanging over its side resulting in the lid of the container not being closed in violation of WAC 173-303-630(5)(a).

- c. The regulation at WAC 173-303-200 allows a large quantity generator to accumulate dangerous waste without a permit or interim status provided that they comply with certain requirements including, WAC 173-303-350(3)(e). This regulation requires that the contingency plan must contain a current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator.

At the time of the inspection, the inspectors reviewed the facility's SPCC plan dated December 5, 2013. The plan identified Ms. Chelsea Branchcomb as the BMES coordinator and designated emergency contact, although she had not worked for the VA in over a year. The contingency plan did not contain current contact information of the person qualified to act as the emergency coordinator in violation of WAC 173-303-350(3)(e).

- d. The regulation at WAC 173-303-200 allows a LQG to accumulate dangerous waste without a permit or interim status provided that they comply with certain requirements including WAC 173-303-300(2)(a) and (c). WAC 173-303-300(2)(a) and (c) require that the owner or operator develop a written training plan which must be kept at the facility and which must include the following documents and records (a) for each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, and other qualifications, and duties for each position; and (c) records documenting that facility personnel have received and completed the training required by this section.

At the time of the inspection the inspectors reviewed the facility's training plan and noted that the plan did not include specific employee names and job descriptions in violation of WAC 173-303-300(2)(a).

When the inspectors asked Ms. Wooding about her training she said that she counted the Level 2 training she provided for another employee as a refresher for herself as well (because she was the trainer). This does not satisfy the requirement to receive training in violation of WAC 173-303-300(2)(c).

- e. The regulation found at WAC 173-303-515(6) incorporates by reference the standards for used oil generators found in 40 C.F.R. § 279.20 through § 279.24 (except 40 C.F.R. § 279.21). 40 C.F.R. § 279.22(c)(1) requires that containers used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." The regulation found at WAC 173-303-515(6)(a)(1) states that containers of used oil must be closed at all times, except when adding or removing used oil.

At the time of the inspection, in the outdoor portion of the CAA, the inspectors observed a storage shed that contained four metal drums, two of the drums containing used oil were not labeled as such, in violation of 40 C.F.R. § 279.22(c)(1).

At the time of the inspection, in a shed, in the outdoor portion of the CAA, the inspectors observed containers labeled as "Empty." One of the containers was also labeled as "used oil" and had an open bung hole. They looked inside the container and observed a small amount of dark fluid. The container was open and not labeled with the words "Used Oil" in violation of WAC 173-303-515(6)(a)(1) and 40 C.F.R. § 279.22(c)(1).

At the time of the inspection, inside the gate of the outdoor CAA, the inspectors observed a closed bucket labeled as "spent oil." The bucket was not labeled as "Used Oil" in violation of 40 C.F.R. § 279.22(c)(1).

At the time of the inspection, in the Energy Plant, the inspectors observed a red drum that was collecting used oil from a drip pan. The drum was not marked with the words "Used Oil" in violation of 40 C.F.R. § 279.22(c)(1).

- f. The regulation at WAC 173-303-573(9)(c) requires that small quantity handlers of universal waste lamps must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment by, among other things, closing containers; and WAC 173-303-573(10)(c) requires that they label or mark each lamp or container of lamps in which they are accumulating universal waste lamps with one of the following phrases: "Universal Waste lamp(s)," or Waste Lamp(s)," or "Used Lamp(s)."

At the time of the inspection, in the hallway outside the universal waste lamp accumulation room, the inspectors observed an electrician's cart with an open box of lamps. The box was not closed, and it was not labeled with one of the required phrases, in violation of WAC 173-303-573(9)(c) and WAC 173-303-573(10)(c).

3. The EPA has determined, and Respondent agrees that settlement of this matter for a civil penalty of fifteen thousand dollars (\$15,000) 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:**

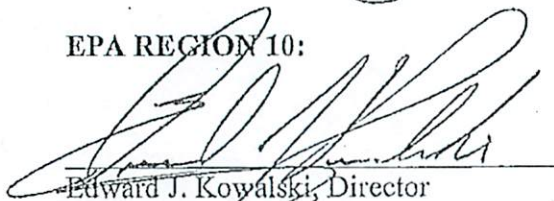
Name (print): Michael Taofyck

Title (print): Medical Center Director

Signature: 


Date: 2/27/19

**EPA REGION 10:**

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

Date: 2/15/2019

**IT IS SO ORDERED:**

  
Richard Mednick, Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 10

Date: 4/2/19

**U. S. EPA REGION 10  
RCRA Expedited Settlement Agreement  
Penalty Calculation Worksheet**

**Respondent:**

**VA Puget Sound Health Care System Seattle Division**

**1660 S. Columbia Way, Seattle, WA 98108**

**EPA ID Number: WA1 36000 7313**

**Docket Number:**

**Penalty Calculation:**

Pursuant to the EPA RCRA Expedited Settlement Policy, the penalty is \$1000 per violation. If the violations include a failure to file a biennial (BRS) report, then the penalty for that violation is \$2,500, in accordance with the BRS ESA program.

<b>Violations</b>	<b>Number of Violations</b>	<b>Penalty</b>
WAC 173-303-200(1)(c). Failure to properly manage containers of dangerous waste in the indoor portion of the Central Accumulation Area (CAA). A penalty is being assessed for each area in the CAA where this violation was observed.	3	\$3,000
WAC 173-303-630(5)(a), WAC 173-303-200(1)(c) and (d). Failure to properly manage containers of dangerous waste in the outdoor portion of the CAA. A penalty is being assessed for each area in the CAA where any of these violations were observed.	3	\$3,000
WAC 173-303-200(1)(d) and WAC 173-303-630(5)(a). Failure to properly manage containers of dangerous waste in satellite accumulation area (SAA) containers. A penalty is being assessed for each area where SAA containers were managed and any of these violations were observed.	3	\$3,000
WAC 173-303-350(3)(e). Failure to have an updated contingency plan	1	\$1,000
WAC 173-303-300(2)(a) and (c). Failure to comply with training plan requirements	1	\$1,000
40 CFR 279.22(c)(1) and WAC 173-303-515(6)(a)(1). Failure to comply with used oil management standards. A penalty is being assessed for each area where either of these used oil violations were observed.	3	\$3,000
WAC 173-303-573(10)(c). Failure to properly label universal waste lamps	1	\$1,000
<b>TOTAL</b>	<b>15</b>	<b>\$15,000</b>

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT in In the Matter of Department of Veterans Affairs, Puget Sound Health Care System Seattle Division, DOCKET NO.: RCRA-10-2019-0050 was filed with the Regional Hearing Clerk.

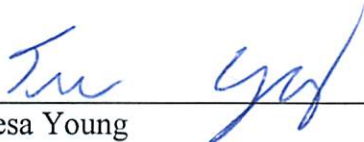
The undersigned certifies that a true and correct copy of the document was delivered to:

Joe Edgell  
Office of Regional Counsel  
U.S. 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 to:

Michael Tadych, Director  
Department of Veteran Affairs  
Puget Sound Health Care System Seattle Division  
1660 S. Columbian Way  
Seattle, WA 98101

DATED this 3 day of April 2019.

  
\_\_\_\_\_  
Teresa Young  
Acting Regional Hearing Clerk  
EPA Region 10