BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:	)	Docket No. RCRA-10-2024-0067
	)	
	)	
Coeur Alaska Inc. Kensington Gold Mine	)	
SEC 5, T35S, R62E, Juneau, AK 99801	)	EXPEDITED SETTLEMENT
EPA ID No. AKR000203612	)	AGREEMENT AND
	)	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"), 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).

2. The State of Alaska has not been authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 to carry out a hazardous waste program in lieu of the Federal program. Pursuant to Section 3008(a) of RCRA, the EPA may enforce the federal hazardous waste program in the State of Alaska.

3. Coeur Alaska, Inc. ("Respondent") is the owner or operator of the Kensington Gold Mine located at SEC 5, T35S, R62E, approximately 45 miles north of Juneau Alaska, 99801 ("Facility"). The EPA alleges that Respondent violated the following requirements of the RCRA.

   For subparagraphs a. through e. below, 40 C.F.R. § 262.11 requires, among other things, that a person who generates a solid waste, as defined in 40 CFR § 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

   For subparagraphs a., d. and e. below, Section 3005 of RCRA [42 U.S.C. § 6925] and 40 C.F.R. § 270.1(c) provide that any person who treats, stores or disposes of hazardous waste must have a permit or interim status. 40 C.F.R. Part 262 provides that hazardous waste generators may accumulate hazardous waste at a facility without a permit or interim status provided that the exemption conditions therein are met.

   For subparagraphs b. through e. below, 40 C.F.R. § 261.6(a) provides, among other things, that hazardous wastes from which precious metals are reclaimed are "recyclable materials" that are regulated under 40 C.F.R. part 266, subpart F, as well as under all applicable provisions in 40 C.F.R, parts 268, 270, and 124. 40 C.F.R. part 266, subpart F, at 40 C.F.R. § 266.70(b) requires, among other things, that for recyclable materials that are reclaimed to recover economically

significant amounts of gold and/or silver, persons who generate such hazardous waste recyclable materials are subject to the manifest requirements applicable to large quantity generators at 40 C.F.R. part 262, subpart B. 40 C.F.R § 268.7(a)(1) requires that a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. 40 C.F.R § 268.7(a)(2) requires that if the waste does not meet applicable treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. 40 C.F.R § 268.7(a)(8) requires that generators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to that section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal.

a. At the time of a September 11, 2023 hazardous waste inspection conducted by EPA at the Facility and/or as revealed in subsequent documentation received from Respondent by EPA (collectively "the inspection") and previously:
    i. Respondent generated used leather gloves and used leather mining belts, which are solid wastes within the meaning of RCRA. Respondent did not determine if these solid wastes are hazardous wastes as required by 40 C.F.R. § 262.11.
    ii. At least three different types of used leather gloves are D007 hazardous waste which was stored at the Facility. Respondent did not have a permit or interim status for the treatment, storage or disposal of hazardous waste, and did not meet the permit exemptions conditions at 40 C.F.R. Part 262 for accumulation of these hazardous wastes.

b. At the time of the inspection, just outside the door of Respondent's Assay Laboratory, the inspector observed a 55-gallon container which held 161 pounds of used crucible waste that had been onsite since November 2022. The used crucible waste was a D008 hazardous waste that was sent offsite for precious metal recovery. For this used crucible waste, Respondent failed to:
    i. Make an accurate determination as to whether that solid waste is a hazardous waste as required by 40 C.F.R. § 262.11. Meet the applicable requirements at 40 C.F.R. Parts 266 and 268 listed above.
    ii. Meet the applicable requirements at 40 C.F.R. Parts 266 and 268 listed above.

c. At the time of the inspection, just outside the door of Respondent's Assay Laboratory, the inspector observed a 55-gallon container which held 428 pounds of "Au bar" slag waste that had been onsite for two months. The slag waste was a D008 hazardous waste that was sent offsite for precious metal recovery. For this slag waste, Respondent failed to:
    i. Make an accurate determination as to whether that solid waste is a hazardous waste as required by 40 C.F.R. § 262.11.
    ii. Meet the applicable requirements at 40 C.F.R. Parts 266 and 268 listed above.

d. At the time of the inspection and previously, Respondent generated the following five solid wastes in connection with fire assay testing in its Assay Laboratory: acidic waste solution containing silver nitrate ("parting solution"); parting solution treated with sodium chloride; silver chloride precipitate separated from treated parting solution; residual nitric acid solution

separated from treated parting solution; and diluted and neutralized residual nitric acid solution.

i. Respondent did not make an accurate determination as to whether each of these five solid wastes were a hazardous waste in order to ensure these wastes are properly managed according to applicable RCRA regulations, as required by 40 C.F.R. § 262.11.

ii. Respondent did not meet the applicable requirements at 40 C.F.R. Parts 266 and 268 listed above for the following three hazardous waste recyclable materials from which precious metals are reclaimed: parting solution; parting solution treated with sodium chloride; and silver chloride precipitate separated from treated parting solution.

iii. Respondent did not have a permit or interim status for the treatment, storage or disposal of hazardous waste, and did not meet the permit exemptions conditions at 40 C.F.R. Part 262, for accumulation of the following two hazardous wastes: residual nitric acid solution separated from treated parting solution; and diluted and neutralized nitric acid solution.

e. At the time of the inspection and previously, Respondent generated the following four solid wastes in connection with gravimetric determination testing in its Assay Laboratory: waste acidic solution containing silver nitrate; diluted and neutralized waste acidic solution; silver carbonate separated from the diluted and neutralized waste acidic solution; and the liquid portion separated from the diluted and neutralized waste acidic solution.

i. Respondent did not make an accurate determination as to whether each of these four solid wastes were a hazardous waste in order to ensure these wastes are properly managed according to applicable RCRA regulations, as required by 40 C.F.R. § 262.11.

ii. Respondent did not meet the applicable requirements at 40 C.F.R. Parts 266 and 268 listed above for the following three hazardous waste "recyclable materials" from which precious metals are reclaimed: waste acidic solution containing silver nitrate; diluted and neutralized waste acidic solution; and silver carbonate separated from the diluted and neutralized waste acidic solution.

iii. Respondent did not have a permit or interim status for the treatment, storage or disposal of hazardous waste, and did not meet the permit exemptions conditions at 40 C.F.R. Part 262, for accumulation of the following hazardous waste: the liquid portion separated from the diluted and neutralized waste acidic solution.

f. Section 3005 of RCRA [42 U.S.C. § 6925] and 40 C.F.R. § 270.1(c) provide that any person who treats, stores or disposes of hazardous waste must have a permit or interim status. 40 C.F.R. §§262.17(a)(5)(i)(C) provides that large quantity generators may accumulate hazardous waste at a facility without a permit or interim status provided that, among other things, containers of hazardous waste are marked or labeled with the date upon which each period of accumulation begins clearly visible for inspection on each container. At the time of the inspection, the inspector observed that a container of hazardous waste, a 55-gallon container that was labeled as containing hazardous waste amines (D002) along with a hardener, was not marked or labeled with the date upon which the period of accumulation began.

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

C.F.R. §§262.17(a)(5)(i)(A) and (B) provide that certain generators may accumulate hazardous waste at a facility without a permit or interim status provided that, among other things, containers of hazardous waste are marked or labeled both with the words "Hazardous Waste" and an indication of the hazards of the contents, respectively. At the time of the inspection, the inspector observed that, in the Comet Mine Water Treatment Plant flammable storage cabinet, there was a waste aerosol that was still pressurized and contained some flammable liquid material. Ms. Cassandra Joos, a representative of Respondent, confirmed that the aerosol can was a waste aerosol can. At the time of the inspection, the waste aerosol can was not labeled with the words "Hazardous Waste" or marked with a hazard indicator.

h. Section 3005 of RCRA [42 U.S.C. § 6925] and 40 C.F.R. § 270.1(c) provide that any person who treats, stores or disposes of hazardous waste must have a permit or interim status. 40 C.F.R. §§262.17(a) and § 262.262(b) provide that certain generators may accumulate hazardous waste at a facility without a permit or interim status provided that, among other things, a large quantity generator submits a quick reference guide of its contingency plan to the local emergency responders or, as appropriate, the Local Emergency Planning Committee. At the time of the inspection, Ms. Cassandra Joos, a representative of Respondent, stated to the inspector that the Facility did not have a contingency plan quick reference guide, therefore a such a guide had not been submitted to the local emergency responders or, as appropriate, the Local Emergency Planning Committee.

i. Section 3005 of RCRA [42 U.S.C. § 6925] and 40 C.F.R. § 270.1(c) provide that any person who treats, stores or disposes of hazardous waste must have a permit or interim status. 40 C.F.R. §§262.17(a)(1)(v) provides that certain generators may accumulate hazardous waste at a facility without a permit or interim status provided that, among other things, at least weekly, a large quantity generator must inspect central accumulation areas, and must look for leaking containers and for deterioration of containers caused by corrosion or other factors. At the time of the inspection, the EPA inspector determined no weekly hazardous waste inspection was conducted in Respondent's central accumulation area for the period 9-15 April, 2023.

j. Section 3005 of RCRA [42 U.S.C. § 6925] and 40 C.F.R. § 270.1(c) provide that any person who treats, stores or disposes of hazardous waste must have a permit or interim status. 40 C.F.R. §262.15(a)(4) provides that certain generators may accumulate hazardous waste at a facility without a permit or interim status provided that, among other things, a satellite accumulation container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary either for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure. At the time of the inspection:
    i. In the satellite accumulation area outside and adjacent to the Warehouse building, the closure device on the attached aerosol can puncturing device was not closed down onto the container which was accumulating drainage from punctured aerosol cans, therefore the satellite accumulation container was not closed.
    ii. In the Underground Maintenance 940 Paste Plant, a 55-gallon satellite accumulation container with an attached aerosol can popper was not closed, in that the cover for the attached aerosol can puncturing device was open.

k. 40 C.F.R. § 273.14(a) requires that a small quantity handler of universal waste must label or mark universal waste batteries (i.e., each battery), or a container in which the batteries are contained must be labeled or marked clearly, with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)". Respondent is a small quantity handler of universal waste. At the time of the inspection:
   i. In the area outside and adjacent to the Surface maintenance Shop, a 55-gallon container held one sealed, lead-acid battery "jump pack" and was not labeled with any of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies).
   ii. In the Surface Maintenance Shop/Parts Room, a waste battery jump pack located on the floor was not labeled with any of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)".
   iii. In the Underground Maintenance area, a 55-gallon container contained a waste lead-acid battery jump pack was not labeled with any of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies).

l. 40 C.F.R. § 279.22(c)(1) requires that containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." At the time of the inspection:
   i. In the Surface Maintenance Shop, there was a five-gallon container approximately one-fourth full of used oil under the oil filter crusher that was not labeled or marked clearly with the words "Used Oil."
   ii. In the Underground Maintenance Shop at the 900 Main, there were two used oil drain pads that contained used oil and were not labeled or marked clearly with the words "Used Oil." It could be seen that at one time the pads had been labeled, but the labels were illegible.

4. 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 $15,000. The attached Penalty Calculation Worksheet is incorporated by reference.

5. 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.

6. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of $15,000 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 979077
St. Louis, Missouri 63197-9000

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

7. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 6 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Salee Porter, Regional Hearing Clerk U.S. Environmental Protection Agency Region 10 R10_RHC@epa.gov	Kevin Schanilec U.S. Environmental Protection Agency Region 10 Schanilec.kevin@epa.gov

8. 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.

9. 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.

10. Each party shall bear its own costs and fees, if any.

11. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.

12. 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.

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 of the Final Order with the Regional Hearing Clerk for the EPA, Region 10.

IT IS SO AGREED,

RESPONDENT:

Name (print): Stephen Ball - General Manager

Title (print): Stephen Ball - General Manager

Signature: Stephen Ball Digitally signed by Stephen Ball Date: 2024.05.02 15:34:48 -08'00'

Date: 5/2/24

EPA REGION 10:

EDWARD KOWALSKI Digitally signed by EDWARD KOWALSKI Date: 2024.05.03 16:11:21 -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 Digitally signed by GARTH WRIGHT Date: 2024.05.06 13:36:47 -07'00'

Date: _____

GARTH WRIGHT, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Coeur Alaska Inc. Kensington Gold Mine, Docket No.: RCRA-10-2024-0067, 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:

Kevin Schanilec
U.S. Environmental Protection Agency
Region 10
Schanilec.kevin@epa.gov

Peter Strow
Coeur Alaska Inc. Kensington Gold Mine
3031 Clinton Drive, Suite 202
Juneau, Alaska 99801
PStrow@coeur.com

DATED this _____ day of _____, 2024.

SALEE PORTER

Digitally signed by SALEE PORTER
Date: 2024.05.06 14:35:30 -07'00'

Regional Hearing Clerk
EPA Region 10