

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

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ENVIRONMENTAL PROTECTION AGENCY REGION 7
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IN THE MATTER OF:)	
)	
Gill Studios, Inc.)	Docket No. RCRA-07-0218-0233
EPA ID. No. KSD031337231)	
)	EXPEDITED SETTLEMENT
Respondent)	AGREEMENT AND FINAL ORDER
)	

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Gill Studios, Inc. (“Respondent”), owner or operator of the facility located at 10800 Lackman Road, Lenexa, Kansas (the “Facility”), failed to comply with the requirements of the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Kansas hazardous waste management program. See K.A.R. 28-31.262, 28-31-273, 28-279.

2. During an inspection of the Facility on December 11-12, 2017, the following violations of Kansas regulations were observed:
 - A. Failure to clearly mark the date upon which accumulation began for two 55-gallon hazardous waste accumulation containers. 40 C.F.R. § 262.34(a)(2) as adopted by reference at K.A.R. 28-31-262.
 - B. Failure to label two hazardous waste satellite accumulation containers with the words “Hazardous Waste”. K.A.R. 28-31-262(c)(7).
 - C. Failure to close two hazardous waste satellite accumulation containers during storage, except when it is necessary to add or remove waste. 40 C.F.R. § 262.34(c)(1) referencing 40 C.F.R. § 265.173(a) as adopted by reference at K.A.R. 28-31-262(a).
 - D. Failure to properly label or mark universal lamps with the words “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s).” 40 C.F.R. § 273.14(e) as adopted by reference at K.A.R. 28-31-273(a).
 - E. Failure to demonstrate the length of time that universal waste (universal waste lamps and mercury containing equipment) has accumulated. 40 C.F.R. § 273.15(c) as adopted by reference at K.A.R. 28-31-273.
 - F. Failure to clearly label or mark containers used to store used oil with the words “Used Oil.” 40 C.F.R. § 279.22(c)(1) as adopted by reference at K.A.R. 28-31-279(a).
 - G. Failure to post the location of fire extinguishers and spill kits next to the telephone. 40 C.F.R. § 262.34(d)(5)(ii)(B) as adopted by reference at K.A.R. 28-31-262(a).
 - H. Failure to comply with the following training requirements:

1. Failure to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies. 40 C.F.R. § 262.34(d)(5)(iii) as adopted by reference at K.A.R. 28-31-262(a).
 2. Failure to train employees on the location of emergency postings. K.A.R. 28-31-262(c)(8).
 3. Failure to record the name of each employee, the date of training, and topics covered in the training. K.A.R. 28-31-262a(d)(1)(C).
- I. Failure to make the following arrangements:
1. Familiarize police departments with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes. 40 C.F.R. § 262.34(d) referencing 40 C.F.R. § 265.37(a)(1) as adopted by reference at K.A.R. 28-31-262(a).
 2. Familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. 40 C.F.R. § 262.34(d) referencing 40 C.F.R. § 265.37(a)(4) as adopted by reference at K.A.R. 28-31-262(a).
3. EPA and Respondent agree that settlement of this matter for a penalty of Nine Thousand Dollars (\$9,000) 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 Kansas 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 violations have 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 Nine Thousand Dollars (\$9,000) 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 Nine Thousand Dollars (\$9,000) 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:

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,

ANDREW NELSON
Name (print)

SAFETY
Title (print)

Andrew Nelson
Signature

Date 7/6/18

APPROVED BY EPA:

John J Smith

Date 7/16/18

by Mary Goetz, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Kelley Catz
Kelley Catlin, Attorney
Office of Regional Counsel

Date 7/16/18

IT IS SO ORDERED:

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date July 17, 2018

CERTIFICATE OF SERVICE

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

Copy via Email to Complainant:

Kelley Catlin.

Copy via First Class Mail to Respondent:

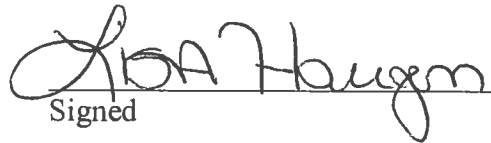
Jamie Fain.

Copy via Email to the State of Kansas:

William L. Bider, Director (e-copy)
Bureau of Waste Management
Kansas Department of Health and Environment

Ken Powell (e-copy)
Compliance and Enforcement, Waste Reduction, and Assistance Section
Kansas Department of Health and Environment

Dated this 17 day of July, 2018.


Signed _____