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**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY** 13 SEP 26 AM 8:12

HEARINGS CLERK
EPA - REGION 10

IN THE MATTER OF:)	Docket No. RCRA-10-2013-0158
)	
Trident Seafoods Corporation)	EXPEDITED SETTLEMENT
Tacoma, Washington)	AGREEMENT AND
EPA ID Number WAR 00000 4879)	FINAL ORDER
)	
Seattle, Washington)	
EPA ID Number WAD 06336 2370)	
)	
Respondent)	
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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. Trident Seafoods Corporation (“Respondent”) is the owner or operator of a facility at 401 Alexander Avenue East, Building 592, Tacoma, Washington 98421 (“Tacoma Facility”) and a facility at 653 NW 41st Street, Seattle, Washington 98107 (“Seattle Facility”). The EPA inspected the Tacoma Facility on January 28, 2013 and the Seattle Facility on February 1 and February 15, 2013. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-200(2)(a) requires that satellite accumulation containers of dangerous waste be properly labeled [WAC 173-303-200(2)(a)(ii) references WAC 173-303-200(1)(d)] and kept closed [WAC 173-303-200(2)(a)(i) references WAC 173-303-630(5)(a)].
 1. At the Tacoma Facility on January 28, 2013, there was a dangerous waste satellite accumulation container for waste aerosol cans in the dangerous waste accumulation area that was not properly labeled or closed.
 2. At the Seattle Facility on February 1, 2013, there was a dangerous waste satellite accumulation container for waste aerosol cans in the dangerous waste accumulation area that was not properly labeled or closed.
 - b. WAC 173-303-200(1) and WAC 173-303-201(2)(a) reference WAC 173-303-630(6), which requires that, at least weekly, the owner or operator must inspect areas where containers of dangerous waste are stored and keep an inspection log for at least five years from the date of inspection.

1. Based on inspection logs at the Tacoma Facility, which is a large quantity generator, weekly inspections of the 90-day dangerous waste accumulation area were not conducted on four occasions between January 1, 2012 and January 28, 2013 [WAC 173-303-200(1)].
2. Based on inspection logs at the Seattle Facility, which is a medium quantity generator, weekly inspections of the 180-day dangerous waste accumulation area were not conducted on 20 occasions between July 1, 2012 and February 15, 2013 [WAC 173-303-201(2)(a)].
- c. WAC 173-303-573 requires that containers of universal waste lamps be kept closed [WAC 173-303-573(9)(c)] and that the handler be able to demonstrate the length of the time universal waste has been accumulated [WAC 173-303-573(11)(c)]. At the Seattle Facility on February 1, 2013, one container of eight foot universal waste lamps was not closed and Respondent did not have a record of when accumulation began for one container of four foot universal waste lamps.
- d. 40 CFR § 279.22(c)(1), as incorporated by reference at WAC 173-303-515(6), requires that containers used to store used oil be labeled or marked clearly with the words "Used Oil."
 1. At the Tacoma Facility on January 28, 2013, at least six containers of used oil were not labeled with the words "Used Oil."
 2. At the Seattle Facility on February 1, 2013, at least six containers of used oil were not labeled with the words "Used Oil."
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of five thousand two hundred and fifty dollars (\$5,250.00) 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): Shawn Stokes

Title (print): Environmental Compliance Director

Signature: 

Date: 9-20-2013

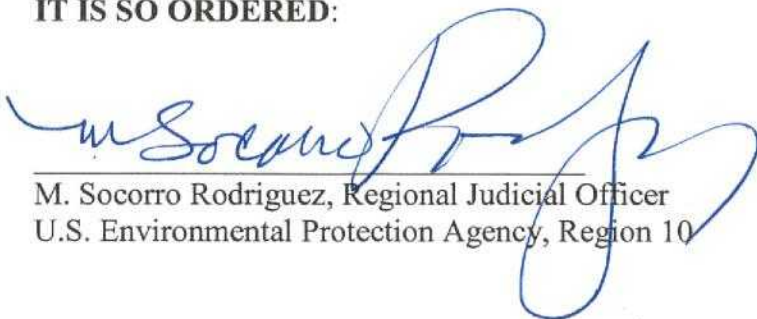
EPA REGION 10:



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

Date: 8-22-13

IT IS SO ORDERED:



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

Date: 9/25/13

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER In the Matter of: Trident Seafoods Corporation, Seattle, Washington, DOCKET NO.: RCRA-10-2012-0158** 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:

Margaret B. Silver
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:

Mr. Shawn Stokes
Trident Seafoods Corporation
5303 Shilshole Ave NW
Seattle, Washington 98107-4021

DATED this 26th day of Sept, 2013


Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10

