

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2024-0029
	)	
UNITED STATES COAST GUARD,	)	<b>CONSENT AGREEMENT</b>
COAST GUARD BASE KODIAK,	)	
	)	
Kodiak, Alaska,	)	
	)	
Respondent.	)	

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**I. STATUTORY AUTHORITY**

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 3008 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928.

1.2. Pursuant to Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), EPA may take enforcement action against departments, agencies, and instrumentalities of the Federal government in the same manner and under the same circumstances as against any other person.

1.3. 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, 42 U.S.C § 6928(a), EPA may enforce the federal hazardous waste program in the State of Alaska.

1.4. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties,” 40 C.F.R. Part 22, EPA issues, and United States Coast Guard (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

## **II. PRELIMINARY STATEMENT**

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Enforcement and Assurance Compliance Division, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of RCRA together with the specific provisions of RCRA and the implementing regulations that Respondent is alleged to have violated.

## **III. ALLEGATIONS**

3.1 Respondent is a department, agency, and/or other instrumentality of the United States.

3.2 Respondent is a “person” as that term is defined by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

3.3 At all times relevant to the allegations set forth herein, Respondent has been the “owner” and “operator,” of the Facility, as those terms are defined in 40 C.F.R. § 260.10.

3.4 Respondent is a “generator” as that term is defined in 40 C.F.R. § 260.10.

3.5 Respondent is a “universal waste handler” as that term is defined in 40 C.F.R. § 273.9.

3.6 Respondent is a “used oil generator” as that term is defined in 40 C.F.R § 279.1.

3.7 At all times relevant to the allegations set forth herein, Respondent was a “large quantity generator” (“LQG”) as that term is defined in 40 C.F.R. § 260.10.

3.8 At all times relevant to the allegations set forth herein, Respondent was a “large quantity handler of universal waste” as that term is defined in 40 C.F.R. § 273.9.

3.9 Respondent was issued a Hazardous Waste Facility Management Permit (“Permit No. AK9 69033 0742” or “Permit”) on March 30, 2021 to operate hazardous waste container storage units in Hazardous Waste Storage Building N-48 at the Facility. This Permit became effective as of May 1, 2021 and remains in effect until April 30, 2031.

3.10 The generator requirements of 40 C.F.R. Part 262 and 268 remain applicable to the Facility and are not replaced or affected by the Permit.

3.11 On May 24-26, 2021, authorized representatives of EPA conducted a RCRA compliance inspection (“2021 Inspection”) of the Facility.

3.12 On May 25-26, 2022, authorized representatives of EPA conducted a RCRA compliance inspection (“2022 Inspection”) of the Facility.

**COUNT # 1**  
**Failure to Make Hazardous Waste Determination**

3.13 Pursuant to 40 C.F.R. § 262.11, a person who generates a solid waste must make an accurate determination as to whether that waste is a hazardous waste in accordance with the procedures set forth in 40 C.F.R. § 262.11(a)-(d).

3.14 Pursuant to 40 C.F.R. §262.11(a), a person who generates a solid waste must make the hazardous waste determination for each solid waste at the point of waste generation,

before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste.

3.15 At the time of the 2022 Inspection, EPA observed the following solid waste(s) generated by Respondent and Respondent failed to determine whether it was a hazardous waste in accordance with §262.11:

- a. Four one-gallon cans of Kem Kromik Universal Metal Primer in the Carpenters Hazmat Storage area of Building 20.
- b. Four containers of Jet Glo paint and one container of primer labeled “Expired” in flammable storage cabinet in Metal Composite Repair Shop 110 in Building 15, Hangar 3.
- c. Ten paint booth filters removed from service between a cabinet and the paint booth air filtering system in the paint booth area in Building 14 Hangar 1.

3.16 Each waste meets the definition of a solid waste found in 40 C.F.R. § 261.2 and was generated by Respondent.

3.17 Therefore, Respondent violated 40 C.F.R. § 262.11.

**COUNT #2**  
**Storage of Hazardous Waste Without a Permit or Interim Status**

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

3.19 Under 40 C.F.R. § 270.1(c)(2)(i), generators who accumulate hazardous waste onsite in compliance with all of the conditions for exemption provided in 40 C.F.R. §§ 262.14, 262.15, 262.16, and 262.17, are not required to obtain a RCRA permit.

3.20 Pursuant to 40 C.F.R. § 262.17, an LQG may accumulate hazardous waste on site without a permit or interim status, provided that the generator complies with all the conditions for exemption set forth in 40 C.F.R. § 262.17(a).

#### Failure to Mark or Label Hazardous Waste Containers

3.21 To meet the condition for exemption under 40 C.F.R. § 262.17(a)(5)(i), an LQG must mark or label containers in accordance with the requirements set forth in § 262.17(a)(5)(i)(A)-(C), including the words “Hazardous Waste,” an indication of the hazards of the contents, and the date upon which each period of accumulation begins clearly visible on each container.

3.22 40 C.F.R § 260.10 defines a “central accumulation area” for LQGs as any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to 40 C.F.R. § 262.17.

3.23 Respondent operates a central accumulation area for hazardous wastes that is not included within the scope of its hazardous waste Permit.

3.24 At the time of the 2022 Inspection, EPA observed the following containers with hazardous waste being accumulated by Respondent in a central accumulation area that were not marked or labeled with an indication of the hazards of the contents in accordance with the requirements set forth in § 262.17(a)(5)(i)(B):

- a. One 20-gallon ninety (90)-day accumulation container marked with a DOT Class 9 Label holding solvent waste rags in the waste accumulation area in Building 20, Room 101.

- b. One five-gallon SAA container marked with a DOT Class 9 Label holding solvent waste rags in the waste accumulation area of the Naval Engineering Support Unit (NESU).
- c. One five-gallon SAA container marked with a DOT Class 9 Label holding gasoline filter waste in the waste accumulation area in MWR Boathouse Building 8.
- d. One 20-gallon SAA container marked with a DOT Class 9 Label holding solvent waste rags in the waste accumulation area in MWR Boathouse Building 8.
- e. One five-gallon SAA container marked with a DOT Class 9 Label holding Alodine rag waste in the waste accumulation area in Building 14 Hangar 1.
- f. One 20-gallon SAA container marked with a DOT Class 9 Label holding solvent waste rags in the waste accumulation area in Building 14 Hangar 1.

3.25 At the time of the 2022 Inspection, EPA observed the following container with hazardous waste being accumulated by Respondent in Satellite Accumulate Areas (SAA) that was not marked or labeled with an indication of the hazards of the contents in accordance with the requirements set forth in § 262.17(a)(5)(i)(B):

- a. One SAA container marked with a DOT Class 9 Label holding dental amalgam waste in N46 Dental Clinic.

#### Failure to Conduct Weekly Inspections

3.26 To meet the condition for exemption under 40 C.F.R. § 262.17(a)(1)(v), an LQG must inspect central accumulation areas at least weekly.

3.27 Based on information provided by the Respondent on February 9<sup>th</sup>, 2022, Respondent failed to conduct a weekly inspection of the ninety (90)-day storage lockers central accumulation area adjacent to the Hazardous Waste Storage Building for the week of January 30<sup>th</sup>, 2022 through February 5<sup>th</sup>, 2022.

3.28 Respondent accumulated hazardous waste on site, outside of the permitted Hazardous Waste Storage Building N-48, without a permit or interim status, and failed to meet the conditions for exemption set forth in 40 C.F.R. §§ 262.17(a)(5)(i)(B), and 262.17(a)(1)(v).

3.29 Therefore, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925 and 40 C.F.R. § 270.1(c).

**COUNT #3**  
**Failure to Comply with Exception Reporting Requirements**

3.30 Pursuant to 40 C.F.R. § 262.42(a)(2), a generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31 or § 261.33(e) in a calendar month, who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, subject to the requirements of § 262.20(a), must submit an Exception Report to EPA if they have not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter.

3.31 At the time to the 2021 Inspection, EPA noted that hazardous waste Manifest #004899590FLE was prepared for a shipment of waste refrigerant gases from Hazardous Waste Storage Building N-48. The shipment left the Facility on May 27, 2020, and was received by the designated facility on September 29, 2020.

3.32 At the time of the shipment (Manifest #004899590FLE), Respondent was an LQG subject to the Exception Reporting requirements found in 40 C.F.R. § 262.42(a)(2).

3.33 Respondent failed to submit an Exception Report to the EPA Regional Administrator for EPA Region 10, for Manifest #004899590FLE after not receiving a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within forty-five (45) days of the date the waste was accepted by the initial transporter.

3.34 Therefore, Respondent violated 40 C.F.R. § 262.42(a)(2).

**COUNT #4**  
**Failure to Comply with Permit No. AK9 69033 0742**

3.35 Part III.F.4 of the Permit requires Respondent to manage collected hazardous waste in accordance with all applicable requirements of 40 C.F.R. Parts 262 through 266.

3.36 Part III.E of Permit No. AK9 69033 0742 requires Respondent to inspect, at least once every seven days, areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, temperature, and/or other factors, and document the inspections by maintaining an inspection log.

3.37 Pursuant to 40 C.F.R. § 264.174, an owner or operator of a permitted Hazardous Waste Treatment, Storage, and Disposal Facilities must conduct at least weekly inspections of areas where containers are stored.

3.38 Based on information provided by the Respondent on February 9th, 2022, Respondent failed to conduct a weekly inspection of the Hazardous Waste Storage Building N-48 for the week of January 30th, 2022, through February 5th, 2022.

3.39 40 C.F.R § 262.17(a)(5)(i)(B) requires an LQG mark or label its containers with an indication of the hazards of the contents.

3.40 At the time of the 2022 Inspection, EPA observed nine hazardous waste containers marked with a DOT Class 9 Label by Sump 1 in Hazardous Waste Storage Building N-48 that were not clearly marked or labeled in accordance with the requirements set forth in § 262.17(a)(5)(i)(B).

3.41 Therefore, Respondent violated requirements of Permit No. AK9 69033 0742, Part III.E, and III.F.4.



**COUNT #5**  
**Failure to Properly Manage Universal Waste (Aerosols)**

3.42 40 C.F.R. § 273.33(e)(1) requires a large quantity handler of universal waste to contain universal waste aerosol cans in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

3.43 Pursuant to 40 C.F.R. § 273.34, a large quantity handler of universal waste aerosol cans must label or mark the universal waste aerosol cans, or a container in which aerosol cans are contained, with any of the phrases set forth in § 273.34(f).

3.44 Pursuant to 40 C.F.R. § 273.35(c), a large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

3.45 At the time of the 2021 Inspection, EPA observed the following universal waste meeting the definition of universal waste aerosol found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.6 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by Respondent that was not managed in accordance with the requirements set forth in §§ 273.34(f), 273.33(e)(1), and 273.35(c):

- a. Aerosol cans in a garbage bag not labeled as universal waste or with any of the required phrases per §273.34(f), or containing an indication of an accumulation start date, on the floor in Building 14 Hangar 1.

3.46 At the time of the 2021 Inspection, EPA observed the following universal waste meeting the definition of universal waste aerosol found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.6 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by

Respondent that was not managed in accordance with the requirements set forth in §§ 273.34(f) and 273.35(c):

- a. Aerosol cans in a trash receptacle labeled “NO HAZMAT” and “NO AEROSOL CANS” with no indication of an accumulation start date in Building 14 Hangar 1.

3.47 At the time of the 2022 Inspection, EPA observed the following universal waste meeting the definition of universal waste aerosol found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.6 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by Respondent that was not managed in accordance with the requirements set forth in § 273.34(f), and § 273.35(c):

- a. Aerosol cans not labeled as universal waste or with any of the required phrases per §273.34(f), or with an indication of an accumulation start date located in a flammable storage cabinet in Area H65 of Building 15 Hangar 3.

3.48 Therefore, Respondent violated 40 C.F.R §§ 273.33(e)(1), 273.34(f), and 273.35(c).

**COUNT #6**  
**Failure to Properly Manage Universal Waste (Lamps)**

3.49 40 C.F.R. § 273.33(d)(1) requires a large quantity handler of universal waste to contain universal waste lamps in a container or package that is structurally sound and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. Such container or package must remain closed.

3.50 Pursuant to 40 C.F.R. § 273.34, a large quantity handler of universal waste lamps must label or mark the universal waste lamps, or a container or package in which such lamps are contained, in accordance with the requirements set forth in § 273.34(e).

3.51 Pursuant to 40 C.F.R § 273.35(c), a large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

3.52 At the time of the 2021 Inspection, EPA observed the following universal waste meeting the definition of universal waste lamps found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.5 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by Respondent that was not managed in accordance with the requirements set forth in §§ 273.34(e) and 273.35(c):

- a. Four boxes containing waste fluorescent lamps, not labeled as universal waste or with any of the required phrases per §273.34(e), or with an indication of an accumulation start date in Building 20, Room 101.

3.53 At the time of the 2021 Inspection, EPA observed the following universal waste meeting the definition of universal waste lamps found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.5 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by Respondent that was not managed in accordance with the requirements set forth in §§ 273.33(d)(1), 273.35(c), and 273.34(e):

- a. One open box containing waste fluorescent lamps, not labeled as universal waste or with any of the required phrases per §273.34(e), or with an indication of an accumulation start date, in Building 20, Room 101.

3.54 At the time of the 2022 Inspection, EPA observed the following universal waste meeting the definition of universal waste lamps found in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.5 and subject to the universal waste requirements of 40 C.F.R. Part 273, being managed by Respondent that was managed in accordance with the requirements set forth in §§ 273.33(d)(1), 273.35(c), and 273.34(e):

- a. Two fluorescent lamps, not labeled as universal waste or with any of the required phrases per §273.34(e), or with an indication of an accumulation start date, leaning against a wire cage in the Naval Engineering Support Unit (NESU).

3.55 Therefore, Respondent violated 40 C.F.R. §§ 273.33(d)(1), 273.34(e), and 273.35(c).

#### **COUNT #7**

##### **Failure to Comply with Universal Waste Accumulation Limits**

3.56 Pursuant to 40 C.F.R. § 273.35(a), a large quantity handler of universal waste may not accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of § 273.35(b) are met.

3.57 At the time of the 2022 Inspection, EPA observed a five-gallon container of used lithium batteries meeting the definition of universal waste batteries in 40 C.F.R. § 273.9 and 40 C.F.R. § 273.2 and subject to the universal waste management requirements of 40 C.F.R. Part 273, in Building N102 labeled with an accumulation start date of February 10, 2021.

3.58 Respondent accumulated universal waste for longer than a year from the date the universal waste was generated or received from another handler.

3.59 Therefore, Respondent violated 40 C.F.R. § 273.35(a).

#### **COUNT #8**

##### **Failure to Label or Mark Used Oil Containers**

3.60 Respondent is a generator of used oil, as that term is defined at § 279.1, and is subject to the requirements for used oil storage at § 279.22.

3.61 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.”

3.62 At the time of the 2022 Inspection, EPA observed the following containers holding used oil meeting the definition found in 40 C.F.R. § 279.1 that were not labeled or marked with the words “Used Oil.”

- a. Two containers in Building 14 Hangar 1.
- b. One nine-gallon container in Building 15 Hangar 3.

3.63 Therefore, Respondent violated 40 C.F.R. § 279.22(c)(1).

3.64 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$117,468 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

#### **IV. TERMS OF SETTLEMENT**

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. 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 \$17,926 (the “Assessed Penalty”).

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order may be paid 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. Respondent's Treasury Account Symbol is 070/2024/2024/0610/000. Inquiries concerning this payment can be made to LCDR Matthew Ranger, who can be reached at [matthew.s.ranger@uscg.mil](mailto:matthew.s.ranger@uscg.mil) and/or (907) 654-7276.

4.6. Respondent may also make payment using the Intra Governmental Payment and Collection application (IPAC), using the Agency's Location Code (ALC) 68-01-0727. Please include the Docket Number of this action in the description field of the IPAC.

4.7. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the EPA Region 10 Regional Hearing Clerk and to the Federal Facilities Enforcement Office at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, Mail Stop 11-C07  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
[R10\\_RHC@epa.gov](mailto:R10_RHC@epa.gov)

Jessica Schlafstein  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
1200 Pennsylvania Ave., NW  
Washington, DC 20406  
[schlafstein.jessica@epa.gov](mailto:schlafstein.jessica@epa.gov)

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty shall become immediately due and owing.

4.9. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take actions within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.10. Respondent shall seek all existing funds to meet the requirements of this Consent Agreement. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligations to comply with RCRA, the applicable regulations thereunder, the Permit, or this Consent Agreement. Nothing in this Consent Agreement shall be interpreted to require obligations or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

4.11. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.12. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.13. Except as described in Paragraph 4.8 each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.14. Respondent expressly waives any affirmative defenses and the right to contest the allegations contained in this Consent Agreement and to appeal the Final Order and/or to confer

with the EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), on any issue of law or fact set forth in this Consent Agreement and the Final Order.

4.15. The provisions of this Consent Agreement and the Final Order shall apply to, and be binding upon, Respondent and its employees, contractors, agents, assigns, successor agencies, departments, or instrumentalities.

4.16. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

The above provisions are STIPULATED AND AGREED upon by Respondent.



DATED:

FOR RESPONDENT:

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CAPTAIN JEREMY M. HALL  
Commanding Officer  
United States Coast Guard Base Kodiak  
United States Coast Guard

DATED:

FOR RESPONDENT:

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REAR ADMIRAL CAROLA J. LIST  
Commander, Operational Logistics Command  
United States Coast Guard

DATED:

FOR COMPLAINANT:

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EDWARD J. KOWALSKI, Director  
Enforcement & Compliance Assurance Division  
EPA Region 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2024-0029
	)	
UNITED STATES COAST GUARD,	)	<b>FINAL ORDER</b>
COAST GUARD BASE KODIAK,	)	
	)	
Kodiak, Alaska,	)	
	)	
Respondent.	)	

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1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent’s obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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RICHARD MEDNICK  
Regional Judicial Officer  
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: United States Coast Guard Base Kodiak, Docket No.: RCRA-10-2024-0029**, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees:

Matthew Carr  
U.S. Environmental Protection Agency  
Federal Facilities Enforcement Office  
Office of Enforcement and Compliance Assurance  
Washington D.C. 20460  
[carr.matt@epa.gov](mailto:carr.matt@epa.gov)

and

Captain Jeremy M. Hall,  
Commanding Officer  
U.S. Coast Guard Base Kodiak  
P.O. Box 195000  
Kodiak, Alaska 99619  
[jeremy.m.hall@uscg.mil](mailto:jeremy.m.hall@uscg.mil)

Regional Hearing Clerk  
EPA Region 10