

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

RECEIVED

APR 26 PM 2:39

HEARINGS CLERK

EPA REGION 10
Docket No. RCRA-10-2012-0063

IN THE MATTER OF:)
)
United States Department of Commerce)
National Oceanic and Atmospheric Administration)
Western Regional Center)
Seattle, Washington)
)
EPA ID Number WA5131432085)
)
Respondent.)
_____)

EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

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. The U.S. Department of Commerce National Oceanic and Atmospheric Administration Western Regional Center (“Respondent”) is the owner or operator of a facility at 7600 Sand Point Way NE, Seattle, Washington 98115 (“Facility”). The EPA inspected the Facility on September 14, 2010. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-200(2) requires that satellite accumulation containers of hazardous 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)]. On September 14, 2010, there was a hazardous waste satellite accumulation container in Lab 1035 that was not properly labeled. There was also a satellite accumulation container of mercury-contaminated sea water in the Alkalinity Lab that was not closed. Failure to properly manage satellite accumulation containers of hazardous waste is a violation of WAC 173-303-200(2).
 - b. WAC 173-303-573 requires that containers of universal waste lamps be properly labeled [WAC 173-303-573(10)(c)], kept closed to prevent releases [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)]. On September 14, 2010, four cardboard containers of universal waste lamps in Building 8 were not labeled or closed, and Respondent did not have a record of when accumulation began. There was also a metal container of universal waste lamps in Building 33 that was not closed and Respondent did not have a record of when accumulation began. Failure to properly manage universal waste lamps is a violation of WAC 173-303-573.

- c. WAC 173-303-573(12) requires a small quantity handler of universal waste to train all employees who handle or manage universal waste. On September 14, 2010, the primary person responsible for managing universal waste could not show that he had received universal waste training, in violation of WAC 173-303-573(12).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of two thousand two hundred and fifty dollars (\$2,250.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.
4. Payment under this Agreement must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

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

5. Respondent must send this document with original signatures and a photocopy of the check described in Paragraph 4 to the Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Photocopies of this signed document and the check described in Paragraph 4 must also be sent to EPA Region 10 at the following address:

Kristin McNeill, RCRA Compliance Officer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

6. 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.
7. Each party shall bear its own costs and fees, if any.
8. 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.

9. 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.
10. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
11. 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:

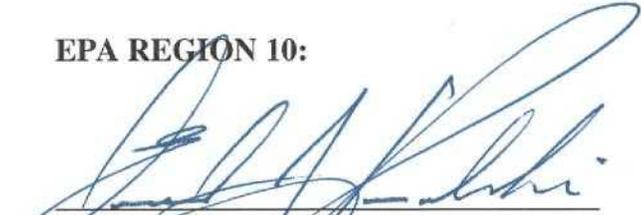
Name (print): David A Petre

Title (print): Ch, Buildings Management Branch

Signature: 

Date: 3/20/2012

EPA REGION 10:


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

Date: 2/27/2012

IT IS SO ORDERED:


Thomas Jahnke, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: 3/22/12

RECEIVED

CERTIFICATE OF SERVICE

12 MAR 26 PM 2:39

HEARINGS CLERK
EPA -- REGION 10

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in IN THE MATTER OF United States Department of Commerce, **Docket No. RCRA-10-2012-0063** was filed with the Regional Hearing Clerk on March 26, 2012.

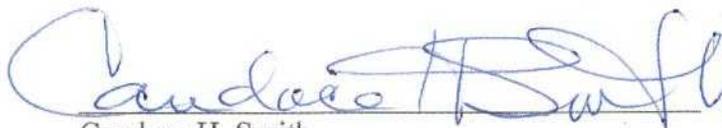
On March 26, 2012, the undersigned certifies that a true and correct copy of the document was delivered to:

Kristin McNeill, RCRA Compliance Officer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, 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 on March 26, 2012, to:

Kevin Godfrey
Department of Commerce-NOAA WRAD
NOAA WRD FOD Bldg. 8
7600 Sand Point Way NE
Seattle, WA 98115

DATED this 26th day of March 2012.



Candace H. Smith
Acting Regional Hearing Clerk
EPA Region 10