

RECEIVED

17 MAR 1 AM 7:46

BEFORE THE UNITED STATES HEARINGS CLERK  
ENVIRONMENTAL PROTECTION AGENCY REGION 10

IN THE MATTER OF:	)	Docket No. RCRA-10-2017-0025
	)	
Electrofinishing, Inc.	)	EXPEDITED SETTLEMENT
Kent, Washington	)	AGREEMENT AND
	)	FINAL ORDER
EPA ID Number WAD 98848 0687	)	
	)	
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”) and 40 C.F.R. § 22.13(b).
2. Electrofinishing, Inc., (“Respondent”) is the owner and/or operator of a facility located at 22630 88th Ave South, Kent, Washington 98031 (“Facility”). The EPA inspected the Facility on September 15, 2015. The EPA alleges Respondent violated the following requirements of RCRA:
  - a. WAC 173-303-200(2)(a) references WAC 173-303-200(1)(d) and WAC 173-303-630(5)(a), which require that satellite containers used to accumulate dangerous waste be marked with the words “dangerous waste” or “hazardous waste” and a label that identifies the major risk associated with the waste, and the containers must be closed except when adding or removing waste. On September 15, 2015, a container of F006 dangerous waste was not labeled and was not closed, in violation of conditions set forth in WAC 173-303-200(2)(a).
  - b. WAC 173-303-170(3) allows a medium quantity generator of dangerous waste to treat dangerous waste on site in containers without a permit provided that they comply with the applicable requirements of WAC 173-303-201. WAC 173-303-201 references WAC 173-303-200(1)(d), WAC 173-303-200(1)(c), and WAC 173-303-630(5)(a), which require that containers used to accumulate dangerous waste be marked with the words “dangerous waste” or “hazardous waste” and a label that identifies the major risk associated with the waste, be marked with the date accumulation began, and the containers must be closed except when adding or removing waste. On September 15, 2015, three containers used to treat dangerous waste floor wash water by settling were not labeled, were not marked with the date accumulation began, and were not closed, in violation of conditions set forth in WAC 173-303-170(3).

- c. WAC 173-303-573(11)(a) allows a small quantity handler of universal waste to accumulate universal waste for no more than one year from the date universal waste is generated. On September 15, 2015, a box of universal waste lamps was marked with an accumulation start date of March 26, 2014 which was more than one year before the date of the inspection, in violation of WAC 173-303-573(11)(a).
  - d. WAC 173-303-515(6)(a)(i) states that containers of used oil must be closed at all times except when adding or removing used oil. On September 15, 2015, a container of used oil generated from an air compressor was not closed and used oil was not being added or removed, in violation of WAC 173-303-515(6)(a)(i).
  - e. WAC 173-303-201(2)(c)(iii) requires that a medium quantity generator ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities. On September 15, 2015, there was no record that Mr. Wheeler, who was the back-up to perform weekly hazardous waste inspections, had hazardous waste training, in violation of WAC 173-303-201(2)(c)(iii).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of five thousand dollars (\$5,000.00) 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.

**U. S. EPA REGION 10**  
**RCRA Expedited Settlement Agreement**  
**Penalty Calculation Worksheet**

**Respondent:**

Electrofinishing, Inc.

Kent, Washington 98931

EPA ID Number: WAD 98848 0687

Docket Number: RCRA-10-2017-0025

**Penalty Calculation:**

Pursuant to the EPA RCRA Expedited Settlement Policy, the penalty is \$1000 per violation.

<b>Violations</b>	<b>Number of Violations</b>	<b>Penalty</b>
WAC 173-303-200(2): Failure to label and close a satellite accumulation container of dangerous waste	1	\$ 1,000
WAC 173-303-170(3): Treatment of dangerous waste in a satellite accumulation container	1	\$ 1,000
WAC 173-303-573(11)(a): Storage of universal waste lamps for more than one year	1	\$ 1,000
WAC 173-303-515(6)(a)(i): Failure to close a container of used oil	1	\$1,000
WAC 173-303-201(2)(c)(iii): Failure to ensure that employees are familiar with proper waste handling	1	\$1,000
<b>TOTAL</b>	<b>5</b>	<b>\$ 5,000</b>

IT IS SO AGREED,

**RESPONDENT:**

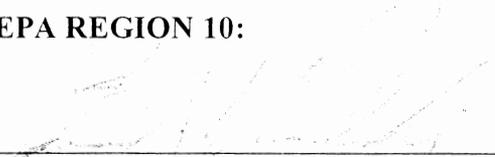
Name (print): Richard Raymond

Title (print): President

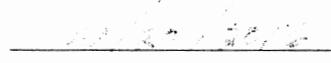
Signature: 

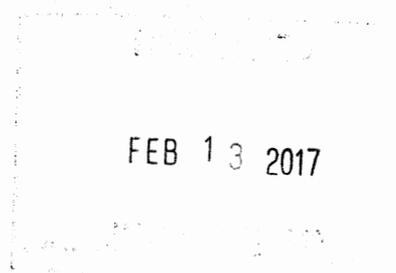
Date: 2-6-17

**EPA REGION 10:**



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

Date: 

  
FEB 13 2017

**IT IS SO ORDERED:**

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

Date: \_\_\_\_\_

  
OFFICE OF AIR AND WASTE  
DATE RECEIVED  
FEB 14 2017  
EPA, REGION 10  
OFFICE OF AIR AND WASTE

IT IS SO AGREED,

**RESPONDENT:**

Name (print): Richard Raymond

Title (print): President

Signature: *Richard Raymond*

Date: 2-6-17

**EPA REGION 10:**

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

Date: \_\_\_\_\_

FEB 13 2017

**IT IS SO ORDERED:**

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

Date: 2/28/17



**Certificate of Service**

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of Electrofinishing Docket No.: RCRA-10-2017-0025**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

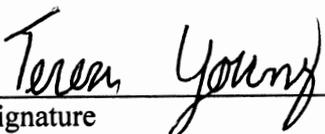
The undersigned certifies that a true and correct copy of the document was delivered to:

Jack Boller  
1200 Sixth Avenue, OAWT-1500  
Suite 900  
Seattle, Washington 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. Rick Raymond  
Electrofinishing  
22630 88<sup>th</sup> Avenue South, Unit A  
Kent, Washington 98031

DATED this 1 day of March, 2017

  
\_\_\_\_\_  
Signature

Teresa Young  
Regional Hearing Clerk  
EPA Region 10