

- accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors. 40 C.F.R. § 262.16(b)(2)(iv).
- e) Failure to mark or label one hazardous waste accumulation container with the words “Hazardous Waste”. 40 C.F.R. § 262.16(b)(6)(i)(A).
 - f) Failure to mark or label one hazardous waste accumulation container with the date upon which each period of accumulation begins which is clearly visible for inspection on each container. 40 C.F.R. § 262.16(b)(6)(i)(C).
 - g) Failure to equip all areas where hazardous waste is either generated or accumulated with the following items:
 - i. An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel (40 C.F.R. § 262.16(b)(8)(ii)(A));
 - ii. A device, such as a telephone or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams (40 C.F.R. § 262.16(b)(8)(ii)(B));
 - iii. Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment (40 C.F.R. § 262.16(b)(8)(ii)(C)); and
 - iv. Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems (40 C.F.R. § 262.16(b)(8)(ii)(D)).
 - h) Failure to post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:
 - i. The name and emergency telephone number of the emergency coordinator (40 C.F.R. § 262.16(b)(9)(ii)(A));
 - ii. Location of fire extinguishers and spill control material, and, if present, fire alarm (40 C.F.R. § 262.16(b)(9)(ii)(B)); and
 - iii. The telephone number of the fire department, unless the facility has a direct alarm (40 C.F.R. § 262.16(b)(9)(ii)(C)).
 - i) 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. § 262.16(b)(9)(iii)).
- 6) EPA and Respondent agree that settlement of this matter for a penalty of nine thousand dollars (\$9,000) is in the public interest.
- 7) 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).
- 8) In signing this Agreement, Respondent: (a) admits that Respondent is subject to RCRA and its implementing regulations; (b) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; (e) waives

any right to contest any issue of fact or law set forth herein; and (f) waives its right to appeal the Final Order accompanying this Agreement.

- 9) By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (a) the alleged violations have been corrected, and (b) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- 10) 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.
- 11) The civil penalty of nine thousand dollars (\$9,000) shall be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
- 12) Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
- 13) 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.
- 14) Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- 15) Each party shall bear its own costs and fees, if any.
- 16) 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:

- 17) 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.
- 18) A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent via certified mail to the following:

Lisa Haugen
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.

- 19) No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this ESA shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
- 20) 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,

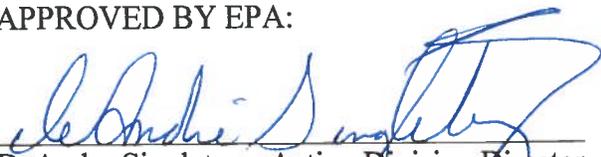
Kayleen Schott
Name (print)

Controller
Title (print)

Kayleen Schott
Signature

Date 6-21-19

APPROVED BY EPA:



DeAndre Singletary, Acting Division Director
Enforcement and Compliance Assurance Division

Date 6-28-19



Kelley Catlin, Attorney
Office of Regional Counsel

Date 6/26/19

IT IS SO ORDERED:

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

Date July 1, 2019