

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. RCRA-10-2026-0218
	)	
UNITED STATES COAST GUARD,	)	CONSENT AGREEMENT
BASE KETCHIKAN,	)	
	)	
Ketchikan, Alaska,	)	
	)	
Respondent.	)	

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.

1.4. 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.

1.5. 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 the 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 40 C.F.R. § 260.2(a)(1) defines “solid waste” as any discarded material that is not excluded by a variance granted under 40 C.F.R. §§ 260.30 and 260.31 or that is not excluded by a non-waste determination under 40 C.F.R. §§ 260.30 and 260.34.

3.4 40 C.F.R. § 261.3 defines “hazardous waste” as a “solid waste” as defined in 40 C.F.R. § 261.2 that has not been excluded from regulation as a hazardous waste under 40 C.F.R. § 261.4(b) and which meets any of the criteria identified in 40 C.F.R. § 261.3(a)(2).

3.5 At all times relevant to the allegations set forth herein, Respondent has been the “owner” and “operator,” as those terms are defined by 40 C.F.R. § 260.10, of the Coast Guard Base Ketchikan located in Ketchikan, Alaska (the “Facility”).

3.6 Respondent is a “generator,” as that term is defined by 40 C.F.R. § 260.10.

3.7 Respondent generates, among other things, a solid waste stream primarily through routine maintenance and logistics support services at the Facility.

3.8 Respondent is a “small quantity generator” (SQG) of hazardous waste, as that term is defined in 40 C.F.R. § 260.10.

3.9 Respondent is a “small quantity handler of universal waste,” as that term is defined at 40 C.F.R. § 273.9.

3.10 Respondent is a “healthcare facility,” as that term is defined in 40 C.F.R. § 265.500.

3.11 Respondent generates “non-creditable hazardous waste pharmaceuticals,” as that term is defined in 40 C.F.R. § 265.500, at the Facility.

3.12 EPA inspected the Facility to determine compliance with RCRA from February 23, 2022, to February 24, 2022.

Count 1: Failure to Comply with Conditions to Operate Without a Permit or Interim Status

Failure to Label Hazardous Waste Containers with an Indication of Hazards

3.13 Section 3005 of RCRA, 42 U.S.C. § 6925, requires that anyone who treats, stores or disposes of hazardous waste must have a permit or interim status. Similarly, 40 C.F.R. § 270.1 prohibits any person from storing, treating or disposing of hazardous waste without a permit or interim status.

3.14 A small quantity generator of hazardous waste may only accumulate hazardous waste on site without a permit or interim status if it satisfies all conditions for exemption from a RCRA hazardous waste permit in 40 C.F.R. § 262.15 and 40 C.F.R. § 262.16.

3.15 40 C.F.R. § 262.15(a)(5)(ii) and 40 C.F.R. § 262.16(b)(6)(i)(B) requires a generator to mark or label its container with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 C.F.R. Part 172 Subpart E (labeling) or Subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 C.F.R. § 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

3.16 At the Armory firing Range, the EPA Inspector saw a 30-gallon satellite accumulation area (SAA) container that contained lead shot. The container was labeled with the words “hazardous waste,” but it was not marked with a hazard indicator.

3.17 In the Central Accumulation Area (CAA) the EPA Inspector observed a 55-gallon, poly container in Bay F. According to USDHS CG Ketchikan personnel, the vessel Coast Guard Cutter Anthony Petit generated some cooking oil that was drained through piping on the vessel that had previously been cleaned with a corrosive liquid. The container was labeled as a RCRA hazardous waste pending analysis, but it was not marked with a hazard indicator.

3.18 The failure to label containers storing hazardous waste with an indication of the hazards is a violation of 40 C.F.R. §§ 262.15(a)(5)(ii) and 262.16(b)(6)(i)(B).

Count 2: Failure to Properly Manage Universal Waste

3.19 40 C.F.R. Part 273, Subpart B specifies the requirements applicable to small quantity handlers of universal waste.

3.20 “Universal waste” includes, among other things, “battery(ies),” “lamp(s)” and “aerosol can(s)” as those terms are defined in 40 C.F.R. § 273.9.

Failure to Keep a Container of Universal Waste Lamps Closed

3.21 40 C.F.R. § 273.13(d)(1) requires that a small quantity handler of universal waste contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

3.22 In the Electrical Shop, the EPA Inspector observed a small container on a hand-truck/dolly. The small container had two four-foot fluorescent lamps protruding from it that were taped together and leaning against the back of the hand-truck/dolly. The base representative told the EPA Inspector that the two lamps were waste, and that USDHS CG Ketchikan manages this type of waste lamp as universal waste. The small container was not closed and was not adequate to prevent breakage.

3.23 The failure to contain the two waste lamps in a container that was adequate to prevent breakage and closed is a violation of 40 C.F.R. § 273.13(d)(1).

Failure to Meet Labeling/Marking Requirements for Universal Waste Lamps

3.24 40 C.F.R. § 273.14(e) requires that a small quantity handler of universal waste must label or mark each lamp or a container or package in which such lamps are contained clearly with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.

3.25 In the Electrical Shop, the EPA Inspector observed a small container on a hand-truck/dolly. The small container had two four-foot fluorescent lamps protruding from it that were taped together and leaning against the back of the hand-truck/dolly. The USDHS CG Ketchikan representative told the EPA Inspector that the two lamps were waste, and that the USDHS CG Ketchikan manages waste lamps as universal waste. The two lamps were not labeled clearly with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.

3.26 The failure to properly mark containers of universal waste lamps constitutes a violation of 40 C.F.R. § 273.14(e).

Failure to Meet Labeling/Marking Requirements for Universal Waste Batteries

3.27 Pursuant to 40 C.F.R. § 273.14(a) a small quantity handler of universal waste must label or mark universal waste batteries (*i.e.*, each battery), or a container or tank in which the batteries are contained, clearly with any one of the following phrases: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies);”

3.28 In the Electrical Shop, the EPA Inspector observed a small container on a hand-truck/dolly. The container held four, 18-volt Ni-Cad batteries that were each marked with the

word, “Bad” and not the words: “Universal Waste—Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

3.29 In the FRC Building in the Central Accumulation Area, the EPA Inspector observed two cardboard containers of Ni-Cad batteries. At the time of the inspection, the containers holding the Ni-Cad batteries were not labeled as universal waste batteries.

3.30 The failure to properly mark containers of universal waste batteries constitutes a violation of 40 C.F.R. § 273.14(a).

Storage of Universal Waste for Greater than One Year

3.31 40 C.F.R. § 273.15(a-b) states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. The handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

3.32 In the FRC Building in the Central Accumulation Area, the EPA Inspector observed three containers of universal waste batteries that were dated November 9, 2020, which indicates that these universal waste batteries had been in accumulation for greater than one year. USDHS CG Ketchikan did not provide evidence that they were accumulated longer than a year solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

3.33 After the inspection the EPA Inspector reviewed materials associated with a waste container holding waste aerosol cans. Based on information and photos provided in

correspondence with USDHS CG Ketchikan personnel, the aerosols in the container were being managed as universal waste and it was labeled February 18, 2021, indicating that the universal waste aerosols had been in accumulation for greater than one year. USDHS CG Ketchikan did not provide evidence that the waste was accumulated for longer than a year solely for the purposes of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

3.34 The storage of universal waste for greater than a year constitutes a violation of 40 C.F.R. § 273.15(a-b).

Failure to Demonstrate the Length of Time Universal Waste has been Accumulated

3.35 40 C.F.R. § 273.15(c) requires that a small quantity handler of universal waste who accumulates 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.

3.36 In the FRC Building in the Central Accumulation Area, the EPA Inspector observed two cardboard containers that held ballasts of Ni-Cad batteries. At the time of the inspection, these ballasts containing Ni-Cad batteries were not dated.

3.37 The failure to demonstrate the length of time universal waste batteries were accumulating constitutes a violation of 40 C.F.R. § 273.15(c).

Failure to Meet Off-Site Shipping Requirements

3.38 40 C.F.R. § 273.18 (a) states that a small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

3.39 On February 25, 2022, USDHS CG Ketchikan delivered a shipment of nickel-metal hydride (56 lbs), lithium-ion (33 lbs) and nickel-cadmium (119 lbs) universal waste

batteries to Petro Marine Services Ketchikan, which is next door to USDHS CG Ketchikan and, located at 1100 Stedman Street in Ketchikan, AK. Petro Marine Services Ketchikan is not a destination facility or a foreign destination for any universal waste batteries other than lead-acid batteries.

3.40 USDHS CG Ketchikan failed to comply with 40 C.F.R. § 273.18 (a) since a small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

Count 3: Failure to Comply with Hazardous Waste Pharmaceutical Requirements

3.41 The regulations at 40 C.F.R. § 266.502 set forth the standards for healthcare facilities managing non-creditable hazardous waste pharmaceuticals.

Failure to Meet Non-Creditable Hazardous Waste Pharmaceutical Training Requirements

3.42 40 CFR 266.502(b) requires a healthcare facility to ensure that all personnel that manage non-creditable hazardous waste pharmaceuticals are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

3.43 At the time of the inspection, USDHS CG Ketchikan personnel were not able to provide copies of training for either Clinic Pharmacy personnel or Base Environmental personnel regarding the management of non-creditable hazardous waste pharmaceuticals to the EPA Inspector.

3.44 On March 10, 2022, USDHS CG Ketchikan sent hazardous waste pharmaceutical training materials to the EPA Inspector indicating that some, but not all, appropriate personnel had been trained.

3.45 Failure to train all personnel that manage non-creditable hazardous waste pharmaceuticals constitutes a violation of 40 CFR 266.502(b).

Failure to Demonstrate Accumulation Time for Non-Creditable Hazardous Waste Pharmaceuticals at Healthcare Facilities

3.46 40 C.F.R. § 266.502(f)(2) requires that a healthcare facility accumulating non-creditable hazardous waste pharmaceuticals on-site must demonstrate the length of time that the non-creditable hazardous waste pharmaceuticals have been accumulating, starting from the date it first becomes a waste following the methods provided in 40 C.F.R. § 266.502(f)(2)(i)-(iii).

3.47 At the time of the inspection, the EPA Inspector observed in the Pharmacy an approximately 6.5-gallon poly container accumulating the non-creditable hazardous waste pharmaceuticals that did not have an indicated accumulation start date. USDHS CG Ketchikan was unable to demonstrate in another manner how long these hazardous waste pharmaceuticals had been accumulating.

3.48 Failure to demonstrate the length of time of accumulation of non-creditable hazardous waste pharmaceuticals constitutes a violation of 40 C.F.R. § 266.502(f)(2).

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 \$15,000(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 shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment its name and the docket number of this action.. Payment instructions are available at:

www.epa.gov/financial/makepayment and www.epa.gov/financial/additional-instructions-making-payments-epa. Concurrently with all payments or within 24 hours of any payment,

Respondent must serve copies of proof of payment to the following persons:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Jon Jones
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
Jones.Jon@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

Proof of payment means, as applicable, a copy of the receipt or confirmation of payment method, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

4.6. If payment is made using the IPAC application, use the Agency Location Code 68-01-0727 and include the Docket Number of this agreement in the description field of the

IPAC. For questions, the customer service contact can be found at

<https://www.epa.gov/financial/federal>.

4.7. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty shall become immediately due and owing.

4.8. 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.

4.9. The Assessed Penalty represents an administrative civil penalty assessed by EPA.

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. 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 bind Respondent and its agents, servants, employees, successors, and assigns.

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.

4.17. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

26 August 2026

FOR RESPONDENT:



Eric A. Libner, Commander
United States Coast Guard Base Ketchikan

FOR COMPLAINANT:

MORGAN JENCIUS

Digitally signed by MORGAN
JENCIUS
Date: 2026.08.28 10:38:10 -07'00'

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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES COAST GUARD,	)	DOCKET NO. RCRA-10-2026-0218
BASE KETCHIKAN,	)	
	)	FINAL ORDER
Ketchikan, Alaska,	)	
	)	
Respondent	)	
	)	
	)	

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.

IT IS SO ORDERED.

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 Ketchikan, Docket No.: RCRA-10-2026-0218**, 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:

Jon Jones
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101

Jones.Jon@epa.gov

Eric A. Libner, Commander
United States Coast Guard Base Ketchikan
1300 Stedman St.
Ketchikan, AK 99901

Eric.A.Libner@uscg.mil

Regional Hearing Clerk
EPA Region 10