

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK
EPA -- REGION 10

IN THE MATTER OF:)
)
Clover Park Technical College)
Lakewood, Washington)
)
EPA ID Number WAD 98850 4668)
)
Respondent)
_____)

Docket No. RCRA-10-2015-0096

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. Clover Park Technical College ("Respondent") is the owner and/or operator of a facility at 4500 Steilacoom Blvd. SW, Lakewood, Washington 98499 ("Facility"). The EPA inspected the Facility on February 20, 2014. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-201(2) allows generators to accumulate dangerous waste on-site without a permit, provided that the generator complies with certain conditions, which, among others, are referenced below.
 1. The condition at WAC 173-303-200(1)(c) requires that containers of dangerous waste be marked with the date upon which accumulation began, and WAC 173-303-200(1)(d) requires that containers of dangerous waste must be marked with the words "Hazardous Waste" or "Dangerous Waste" and a label identifying the major risk associated with the waste. On February 20, 2014, at least ten containers that held dangerous waste, in addition to numerous waste aerosol cans, were not marked with the date upon which accumulation began, marked with the words "Hazardous Waste" or "Dangerous Waste," or labeled with the major risk associated with the waste.
 2. The condition at WAC 173-303-200(1)(b)(i) references WAC 173-303-630(5)(a), which requires that containers used to accumulate dangerous waste be kept closed except when adding or removing waste. On February 20, 2014, at least six containers used to collect dangerous waste were not closed.
 3. The condition at WAC 173-303-200(1)(b)(i) references WAC 173-303-630(6), which requires that, at least weekly, an owner or operator inspect areas where containers of dangerous waste are stored and keep an inspection log. On February 20, 2014, there were no inspection logs indicating that the facility had been conducting weekly inspections of Hazardous Waste Storage Shed from August 2013 until the date of the inspection.

4. The condition at WAC 173-303-200(1)(e)(i) references WAC 173-303-340(1), which requires that a generator must test and maintain decontamination equipment as necessary to assure its proper operation in time of emergency. On February 20, 2014, access to an emergency shower and eyewash station in the Auto Body Overflow Lab was blocked, and the inspection tag on the shower indicated that it had last been inspected in 2003.

All of these actions are in violation of conditions set forth in WAC 173-303-201(2).

- b. WAC 173-303-515(6)(a)(i) requires that containers of used oil must be closed at all times except when adding or removing oil. On February 20, 2014, oil caddies and drip pans that were used to accumulate used oil in the Drive Train Lab, Brake Lab, Auto Tech Lab, and Drivability and Air Lab were not closed in violation of WAC 173-303-515(6)(a)(i).
 - c. WAC 173-303-515(6) references 40 C.F.R. Part 279.22 which requires that containers of used oil must be labeled with the words "Used Oil." On February 20, 2014, oil caddies and drip pans that were used to accumulate used oil in the Drive Train Lab, Brake Lab, Auto Tech Lab, and Drivability and Air Lab were not labeled with the words "Used Oil" in violation of WAC 173-303-515(6).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of six thousand dollars (\$6,000.00) 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.

IT IS SO AGREED,

RESPONDENT:

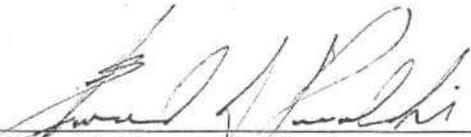
Name (print): Linda J Schoonmaker

Title (print): VP Finance + Administration

Signature: 

Date: 6-2-2015

EPA REGION 10:



Date: 5/7/2015

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

IT IS SO ORDERED:



Date: 4/16/15

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

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Clover Park Technical College. Docket No.: RCRA-10-2015-0096** 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
Office of Air, Waste and Toxics
U.S. Environmental Protection Agency
1200 Sixth Avenue, AWT-1500
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 to:

Mr. Mike Anderson
Clover Park Technical College
4500 Steilacoom Blvd, SW
Lakewood, Washington 98499-4004

DATED this 17th day of June, 2015


Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10