

RECEIVED

19 AUG 16 AM 11: 27

HEARINGS CLERK
EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION X

In the Matter of:)	DOCKET NO. RCRA-10-2019-0121
)	
The United States Department)	
of the Air Force,)	CONSENT AGREEMENT AND
)	FINAL ORDER
Respondents.)	
)	
Joint Base Elmendorf-Richardson,)	
Anchorage, Alaska)	
)	
Facility.)	

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.

Pursuant to Section 3008(a) of RCRA, EPA may enforce the federal hazardous waste program in the State of Alaska.

1.4. 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 U.S. Department of the Air Force (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 Compliance Assurance 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) and 40 C.F.R. § 260.10.

3.3 40 C.F.R. § 261.2(a)(1) defines “solid waste” as any discarded material that is not excluded under 40 C.F.R. § 261.4(a) or 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 40 C.F.R. § 260.10 defines a “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.

3.6 40 C.F.R. § 260.10 defines “facility” as all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

3.7 At all times relevant to the allegations set forth herein, Respondent is and has been the “owner” and “operator” of Joint Base Elmendorf-Richardson (JBER), the Facility, as those terms are defined at 40 C.F.R. § 260.10.

3.8 Respondent operates a Treatment, Storage, and Disposal Facility (TSDF), as those terms are defined in 40 C.F.R. § 260.10 and Part 264, at the Defense Logistics Agency Disposition Services Anchorage Treatment, Storage, and Disposal Facility (DLA TSDF) located at 11735 Vandenberg Avenue at the Facility, under a RCRA Part B permit issued by EPA to

Elmendorf Air Force Base on April 1, 1993 (the Permit). Respondent's Permit was renewed for ten years on December 15, 2003, modified on December 1, 2010, to reflect the merger of Elmendorf Air Force Base with Fort Richardson U.S. Army Base, and has been administratively continued while EPA reviews Respondent's June 3, 2013 RCRA Permit Renewal Application.

3.9 Pursuant to 40 C.F.R. § 270.1(c)(4), EPA may issue permits for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status, or lack thereof, of any unit is not affected by the issuance or denial of a permit to any other unit at the facility.

3.10 At all times relevant to the allegations set forth herein, the only location at the Facility that was permitted to accumulate or store hazardous waste was the DLA TSDf at 11735 Vandenberg Avenue at the Facility. Respondent's RCRA Permit does not now, nor has it ever, authorized storage of hazardous waste at the following locations: buildings 600, 642, 643, 657, 659, 690, 726, 740, 750, 784, 4314, 5800, 5955, 7228, 7265, 10471, 10480, the Alutiiq Lay Down Area, Electrician Shop, Frawner Lay Down Area, Weldin Construction Lay Down Area. At no time relevant to the allegations contained in this Consent Agreement were any of the locations at the Facility operating under interim status.

3.11 At all times relevant to the allegations contained in this Consent Agreement, Respondent generated, accumulated, and/or stored hazardous waste at buildings 600, 642, 643, 657, 659, 690, 726, 740, 750, 784, 4314, 5800, 5955, 7228, 7265, 10471, 10480, the Alutiiq Lay Down Area, Electrician Shop, Frawner Lay Down Area, Weldin Construction Lay Down Area.

3.12 In its 2003 RCRA Part B permit renewal application, as well as in its 2010 permit modification and 2013 permit renewal application, Respondent identified as a large quantity generator (LQG) of hazardous waste and a large quantity handler of universal waste.

3.13 At all times relevant to this Consent Agreement and Final Order, Respondent has generated more than 1000 kilograms per month of hazardous waste at the Facility.

3.14 40 C.F.R. § 262.11 requires a person who generates solid waste, as defined in 40 C.F.R. § 261.2, to determine if that waste is a hazardous waste using the method provided in 40 C.F.R. § 262.11(a)-(d).

3.15 Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c) require that any person that treats, stores, or disposes of hazardous waste must have a permit or interim status. Owners and operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit.

3.16 Prior to May 30, 2017, 40 C.F.R. § 262.34(a) provided that large quantity generators could accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complied with the requirements identified at 40 C.F.R. § 262.34(a)(1)-(4).

3.17 Prior to May 30, 2017, 40 C.F.R. § 262.34(a)(1)(i) required that generators who accumulate hazardous waste in containers for 90 days or less without a permit or interim status must place hazardous waste in a container and comply with 40 C.F.R. Part 265, subpart I.

3.18 Prior to May 30, 2017, 40 C.F.R. § 262.34(c)(1) provided that generators could accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate (known as satellite accumulation areas) without

complying with 40 C.F.R. § 262.34(a) provided that the container is under the control of the operator and the generator complies with the provisions of 40 C.F.R. § 265.173(a).

3.19 40 C.F.R. § 265.173(a) requires that containers holding hazardous waste must always be closed during storage except when necessary to add or remove waste.

3.20 On May 30, 2017, the Hazardous Waste Generator Improvements Rule became effective and re-codified certain requirements for large quantity generators who store hazardous waste without a permit or interim status. *See* 81 Fed. Reg. 85,732 (Nov. 28, 2016). The requirements previously codified at 262.34(a) are now found at 40 C.F.R. § 262.17. The requirements previously codified at 262.34(c) are now found at 40 C.F.R. § 262.15.

3.21 40 C.F.R. § 262.15(a) provides that generators may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate (known as satellite accumulation areas) which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of 40 C.F.R. Parts 264 through 267 and 270, provided that the generator complies with the requirements identified at 40 C.F.R. § 262.15(a)(1)-(8).

3.22 40 C.F.R. § 262.15(a)(5)(i) and (ii) require that generators must mark or label their satellite accumulation containers with the words “Hazardous Waste” and an indication of the hazards of the contents.

3.23 40 C.F.R. § 262.17 provides that large quantity generators may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements identified at 40 C.F.R. § 262.17(a)(1)-(9).

3.24 40 C.F.R. § 262.17(a)(1) requires a large quantity generator to place hazardous waste in a container which is in good condition, compatible with the waste, and which is kept closed at all times except when it is necessary to add or remove waste.

3.25 40 C.F.R. § 262.17(a)(5) requires a large quantity generator to clearly mark or label its containers with the words "Hazardous Waste," an indication of the hazards of the contents, and the date upon which each period of accumulation begins.

3.26 40 C.F.R. § 265.17(a)(7)(i) requires facility personnel to successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 40 C.F.R. Part 262.

3.27 40 C.F.R. § 265.17(a)(7)(ii) requires facility personnel to take part in an annual review of the initial training required in 40 C.F.R. § 265.17(a)(7)(i).

3.28 On August 29 through 31, 2016; April 12 through 13, 2017, October 24 through 26, 2017; July 16 through 18, 2018, and October 9 through 12, 2018, authorized EPA representatives conducted RCRA compliance inspections of the Facility (August 2016 Inspection; April 2017 Inspection; October 2017 Inspection; July 2018 Inspection; and October 2018 Inspection, respectively).

3.29 EPA has identified RCRA violations at the Facility based on information collected during and as a result of the August 2016, April 2017, October 2017, July 2018, and October 2018 Inspections. EPA has also identified violations associated with management of hazardous waste during August 2017 based on information provided by Respondent.

3.30 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$99,681 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

COUNT 1: FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

3.31 The allegations set forth in paragraphs 3.1 through 3.30 are realleged and incorporated by reference herein.

3.32 During calendar years 2017 and 2018, Respondent generated solid waste within the meaning of 40 C.F.R. § 261.2 at the Dental Clinic at Building 5955 when it produced waste dental amalgam while performing dental procedures.

3.33 During the October 2017 Inspection and a follow up compliance assistance visit in March 2018, representatives for Respondent demonstrated that they placed waste dental amalgam into a container along with waste capsules, plastic casings, and bags. Representatives for Respondent then took a representative sample of all the solid waste in the container, which produced a test result that indicated the contents were not hazardous.

3.34 During the October 2017 Inspection, representatives for Respondent provided the EPA inspector with a Safety Data Sheet (SDS) for the dental amalgam. The SDS showed that dental amalgam contains between 40 and 45 percent mercury and is therefore a D009 listed hazardous waste, as defined at 40 C.F.R. § 261.24.

3.35 By combining the waste dental amalgam with other non-hazardous solid waste, Respondent improperly diluted the waste dental amalgam prior to making a hazardous waste determination.

3.36 Respondent failed to make a hazardous waste determination for the waste dental amalgam at its point of generation as required by 40 C.F.R. § 262.11 when it first diluted the waste dental amalgam with non-hazardous solid waste prior to testing.

3.37 Respondent's failure to make a determination whether the solid waste described in paragraph 3.32 was hazardous waste is a violation of 40 C.F.R. § 262.11.

COUNT 2: FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

3.38 The allegations set forth in paragraphs 3.1 through 3.37 are realleged and incorporated by reference herein.

3.39 During calendar year 2018, Respondent generated solid waste within the meaning of 40 C.F.R. § 261.2 at the Frawner lay down area at the Facility when it produced waste resin solution – from a product called Cured In-Place Pipe (CIPP) – in the process of fixing failed or failing underground piping. After using the CIPP to repair pipes, Respondent put the waste into a 350-gallon plastic tote which was not closed and was not labelled as hazardous waste.

3.40 In two follow up emails in July 2018, a representative for Respondent provided the EPA inspector with Safety Data Sheets (SDS) for the two mixtures of CIPP that Respondent used. The SDS for both mixtures indicates that they include chemicals that are ignitable, and therefore D001 wastes.

3.41 Respondent failed to make a hazardous waste determination for the waste CIPP at its point of generation as required by 40 C.F.R. § 262.11 when it placed the waste CIPP into a 350-gallon tote.

3.42 Respondent's failure to make a determination whether the solid waste described in paragraph 3.39 was hazardous waste is a violation of 40 C.F.R. § 262.11.

**COUNT 3A: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT
OR INTERIM STATUS: FAILURE TO INSPECT CONTAINERS**

3.43 The allegations set forth in paragraphs 3.1 through 3.42 are realleged and incorporated by reference herein.

3.44 Between January 2014 and April 2017, Respondent stored hazardous waste pharmaceutical containers at the Satellite Pharmacy at Building 5800. The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 5800 nor did Building 5800 operate under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.45 During calendar year 2016, Respondent failed to inspect certain containers used to accumulate hazardous waste at building 5800, as required by 40 C.F.R. §§ 262.34(a) and 265.174.

3.46 Between January 2013 and April 2017, Respondent stored hazardous waste pharmaceutical containers at the Hospital Pharmacy at Building 5955. The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 5955 nor did Building 5955 operate under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.47 During calendar years 2014, 2015, and 2016, Respondent failed to inspect certain containers used to accumulate hazardous waste at building 5955, as required by 40 C.F.R. §§ 262.34(a) and 265.174.

3.48 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.34 (prior to May 31, 2017), by failing to store hazardous waste in containers pursuant to 40 C.F.R.

§ 262.34(a)(1)(i), Respondent operated Buildings 5800 and 5955 at the Facility during calendar years 2014, 2015, and 2016 as treatment, storage, or disposal facilities without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3B: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO CLOSE SATELLITE ACCUMULATION CONTAINER

3.49 The allegations set forth in paragraphs 3.1 through 3.48 are realleged and incorporated by reference herein.

3.50 At the time of the August 2016 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at a Satellite Accumulation Area at the FSS/FSVA Dry Cleaner at Building 726.

3.51 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 726 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.52 During the August 2016 Inspection, the EPA inspector observed a five-gallon container labelled "Hazardous Waste" which was in use for accumulation of waste aerosol cans at the FSS/FSVA Dry Cleaner at Building 726. The container was not closed because it had been overfilled and the lid could not physically be closed.

3.53 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at a Satellite Accumulation Area at the Motorpool E Company, 725th Support Battalion in Building 750.

3.54 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 750 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.55 During the October 2018 Inspection, the EPA inspector observed a 30-gallon satellite accumulation container which was labelled with Hazardous Waste codes D008 and D010 and which was in use for accumulation of hazardous waste at the Motorpool E Company, 725th Support Battalion in Building 750. The lid on the 30-gallon container was not secured and was therefore not closed.

3.56 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.34(c)(1) (prior to May 31, 2017) and 40 C.F.R. § 262.15(a), by failing to close containers holding hazardous waste pursuant to 40 C.F.R. § 265.173(a) (prior to May 31, 2017) and 40 C.F.R. § 262.15(a)(4), Respondent operated Buildings 726 and 750 at the Facility during calendar years 2016 and 2018 as treatment, storage, or disposal facilities without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3C: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO PLACE WASTE IN SATELLITE ACCUMULATION CONTAINER

3.57 The allegations set forth in paragraphs 3.1 through 3.56 are realleged and incorporated by reference herein.

3.58 At the time of the October 2017 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at a Satellite Accumulation Area at Building 740.

3.59 During the October 2017 Inspection, the EPA inspector observed a waste aerosol can that had not been placed in the Satellite Accumulation Area container at Building 740.

3.60 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 740 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.61 At the time of the October 2017 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at a Satellite Accumulation Area at Building 784.

3.62 During the October 2017 Inspection, the EPA inspector observed three waste aerosol cans that had not been placed in the Satellite Accumulation Area container at Building 784.

3.63 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 784 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.64 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.15(a), by failing to place hazardous waste into a container pursuant to 40 C.F.R. § 262.15(a), Respondent operated Buildings 740 and 786 at the Facility during calendar year 2018 as treatment, storage, or disposal facilities without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3D: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO MARK OR LABEL SATELLITE ACCUMULATION AREA CONTAINER

3.65 The allegations set forth in paragraphs 3.1 through 3.64 are realleged and incorporated by reference herein.

3.66 At the time of the October 2017 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at a Satellite Accumulation Area at Building 740.

3.67 During the October 2017 Inspection, the EPA inspector observed a satellite accumulation container of used solvents at Building 740 which was not marked or labeled with an indication of the hazards of the contents.

3.68 During the October 2017 Inspection, the EPA inspector observed a second satellite accumulation container of used solvents and absorbents at Building 740 which was not marked or labeled with an indication of the hazards of the contents.

3.69 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 740 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.70 The Safety Data Sheet for the used solvents found in the two satellite accumulation containers at Building 740 indicated a flash point of 0°F, making the used solvents a D001 hazardous waste.

3.71 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.15(a), by failing to mark or label containers with an indication of the hazards of the contents pursuant to 40 C.F.R. § 262.15(a)(5)(ii), Respondent operated Building 740 at the Facility during calendar year 2017 as a treatment, storage, or disposal facility without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3E: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO MARK OR LABEL HAZARDOUS WASTE CONTAINER

3.72 The allegations set forth in paragraphs 3.1 through 3.71 are realleged and incorporated by reference herein.

3.73 At the time of the July 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the Frawner lay down area.

3.74 During the July 2018 Inspection, the EPA inspector observed a fifteen-gallon container holding waste aerosol cans at the Frawner lay down area which was not marked or labeled with an indication of the hazards of the contents as well as a waste aerosol can stored in a flammable storage locker that was not labelled with the words "Hazardous Waste" or an indication of the hazards of the contents.

3.75 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at the Frawner lay down area at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.76 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.17, by failing to mark or label containers with the words "Hazardous Waste" and an indication of the hazards of the contents pursuant to 40 C.F.R. § 262.17(a)(5), Respondent operated the Frawner lay down area at the Facility during calendar year 2018 as a treatment, storage, or disposal facility without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3F: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO PLACE HAZARDOUS WASTE IN CONTAINERS

3.77 The allegations set forth in paragraphs 3.1 through 3.76 are realleged and incorporated by reference herein.

3.78 At the time of the October 2017 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the Weldin Construction lay down area.

3.79 During the October 2017 Inspection, the EPA inspector observed a waste aerosol can at the Weldin Construction lay down area which had been placed in a dumpster.

3.80 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Weldin Construction lay down area at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.81 At the time of the October 2017 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the Frawner lay down area.

3.82 During the October 2017 Inspection, the EPA inspector observed two waste aerosol cans at the Frawner lay down area which had been placed in a flammable storage locker which not been marked or labelled as containing hazardous waste.

3.83 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Frawner lay down area at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.84 At the time of the July 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the Alutiiq lay down area.

3.85 During the July 2018 Inspection, the EPA inspector observed three waste aerosol cans at the Alutiiq lay down area which had been placed in a dumpster and another waste aerosol can on top of a flammable storage locker.

3.86 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Alutiiq lay down area at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.87 At the time of the July 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the Weldin Construction lay down area.

3.88 During the July 2018 Inspection, the EPA inspector observed five waste aerosol cans at the Weldin Construction lay down area which had been placed in a cardboard box that was not labelled as containing hazardous waste, one waste aerosol can on top of a flammable storage locker, and another waste aerosol can in the Electrician shop.

3.89 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Weldin Construction lay down area at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.90 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the C Company, 3rd Battalion 509th at Building 642.

3.91 During the October 2018 Inspection, the EPA inspector observed one waste aerosol can at the C Company, 3rd Battalion 509th at Building 642 which had been placed in a on top of a cabinet and had no hazardous waste labels.

3.92 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 642 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.93 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the B Company, 3rd Battalion 509th at Building 643.

3.94 During the October 2018 Inspection, the EPA inspector observed three waste aerosol cans underneath a sink in an uncovered plastic tote at the B Company, 3rd Battalion 509th at Building 643.

3.95 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 643 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.96 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the A Company, 3rd 509th Infantry at Building 643.

3.97 During the October 2018 Inspection, the EPA inspector observed seven waste aerosol cans lying on the ground behind Building 643.

3.98 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 643 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.99 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the A Company (SAPPER), 6th BEB, 4th Brigade 25th Infantry, at Building 657.

3.100 During the October 2018 Inspection, the EPA inspector observed one waste aerosol can in a flammable storage locker, one waste aerosol can on top of the flammable storage locker, and two waste aerosol cans in a bucket beneath a stairwell at the A Company (SAPPER), 6th BEB, 4th Brigade 25th Infantry, at Building 657.

3.101 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 657 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.102 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the 673d Force Support Squadron Headquarters at Building 600.

3.103 During the October 2018 Inspection, the EPA inspector observed one waste aerosol can in a supply closet at Building 600.

3.104 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 600 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.105 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the 673d Air Base Wing Headquarters at Building 10471.

3.106 During the October 2018 Inspection, the EPA inspector observed one waste aerosol can on top of a wall mount box at Building 10471.

3.107 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 10471 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.108 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the 673d Air Base Wing Public Affairs at Building 10480.

3.109 During the October 2018 Inspection, the EPA inspector observed one waste aerosol can in a blue recycling container at Building 10480.

3.110 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 10480 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.111 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the 716th Explosive Ordnance Disposal (EDO) at Building 659.

3.112 During the October 2018 Inspection, the EPA inspector observed three waste aerosol cans in the flammable storage locker at Building 659.

3.113 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 659 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.114 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the A Company, 3rd 509th Infantry at Building 643.

3.115 During the October 2018 Inspection, the EPA inspector observed three waste aerosol cans in the flammable storage locker at Building 643.

3.116 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 643 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.117 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.17, by failing to place hazardous waste in containers pursuant to 40 C.F.R. § 262.17(a)(1), Respondent operated buildings 600, 642, 643, 657, 659, 10471, 10480, and the Frawner, Alutiiq, and Weldin Construction lay down areas at the Facility during calendar years 2017 and 2018 as treatment, storage, or disposal facilities without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 3G: FAILURE TO COMPLY WITH THE CONDITIONS TO OPERATE WITHOUT A PERMIT OR INTERIM STATUS: FAILURE TO PARTICIPATE IN ANNUAL REVIEW OF HAZARDOUS WASTE TRAINING

3.118 The allegations set forth in paragraphs 3.1 through 3.117 are realleged and incorporated by reference herein.

3.119 At the time of the October 2018 Inspection, Respondent indicated it was generating, accumulating, and/or storing hazardous waste at the 673d COMM at Building 7265.

3.120 During the October 2018 Inspection, the EPA inspector reviewed training records for JBER personnel working at building 7265.

3.121 At the time of the October 2018 Inspection, a facility representative working with hazardous waste had last received training on April 20, 2016. Thus, that representative had not participated in annual review of training for over two years.

3.122 The JBER Facility RCRA Permit does not now, nor has it ever, authorized the storage of hazardous waste at Building 7265 at the Facility, nor was that location operating under interim status at any time relevant to the allegations contained in this Consent Agreement.

3.123 Because Respondent failed to comply with the conditions for the accumulation of hazardous waste without a permit or interim status specified at 40 C.F.R. § 262.17, by failing to ensure that all hazardous waste personnel take part in an annual review of training pursuant to 40 C.F.R. § 262.17(a)(7)(iii), Respondent operated building 7265 at the Facility during calendar years 2017 and 2018 as a treatment, storage, or disposal facility without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C § 6925, and 40 C.F.R. § 270.1.

COUNT 4: FAILURE TO PROPERLY LABEL AND CONTAIN UNIVERSAL WASTE

3.124 The allegations set forth in paragraphs 3.1 through 3.123 are realleged and incorporated by reference herein.

3.125 40 C.F.R. Part 273, Subpart C specifies the requirements applicable to large quantity handlers of universal waste.

3.126 “Universal waste” includes, among other things, “lamp(s)” as that term is defined at 40 C.F.R. §§ 273.5 and 273.9.

3.127 “Universal waste” includes, among other things, “batteries” as that term is defined at 40 C.F.R. §§ 273.2 and 273.9.

3.128 40 C.F.R. § 273.34(a) requires that large quantity handlers of universal waste who accumulate universal waste batteries in containers or packages must label or mark clearly each battery or the container or package in which the lamps are contained with any one of the following phrases: “Universal Waste – Battery(ies),” “Waste Battery(ies),” or “Used Battery(ies).”

3.129 40 C.F.R. § 273.34(e) requires that large quantity handlers of universal waste who accumulate universal waste lamps in containers or packages must label or mark clearly each lamp or the container or package in which the lamps are contained with any one of the following phrases: “Universal Waste – Lamp(s),” “Waste lamp(s),” or “Used Lamp(s).”

3.130 During the August 2016 Inspection, the EPA inspector visited building 690 at the Facility and observed two batteries that Respondent’s representatives said were being managed as universal waste and had not been placed in a container or labelled pursuant to 40 C.F.R. § 273.34(a).

3.131 Respondent failed to clearly label certain universal waste batteries generated at the Facility, in violation of the requirements of 40 C.F.R. § 273.34(a).

3.132 During the April 2017 Inspection, the EPA inspector visited building 5800 at the Facility and observed waste fluorescent and halide lamps that facility representatives said were being managed as universal waste. The EPA inspector observed fifteen boxes containing 349

universal waste lamps and 39 individual waste lamps which had not been labelled pursuant to 40 C.F.R. § 273.34(e).

3.133 Respondent failed to clearly label certain universal waste lamps generated at the Facility, in violation of the requirements of 40 C.F.R. § 273.34(e).

3.134 During the October 2017 Inspection, the EPA inspector visited the Frawner lay down area at the Facility and observed a two waste fluorescent lamps that had not been placed into a container or labelled pursuant to 40 C.F.R. § 273.34(e).

3.135 Respondent failed to clearly label certain universal waste lamps generated at the Facility, in violation of the requirements of 40 C.F.R. § 273.34(e).

3.136 During the October 2018 Inspection, the EPA inspector visited building 659 at the Facility and observed a waste Ni-Cad battery that had not been labelled pursuant to 40 C.F.R. § 273.34(a).

3.137 Respondent failed to clearly label certain universal waste batteries generated at the Facility, in violation of the requirements of 40 C.F.R. § 273.34(a).

3.138 During the October 2018 Inspection, the EPA inspector visited building 10471 at the Facility and observed three four-foot waste fluorescent lamps in an open box that had not been labelled pursuant to 40 C.F.R. § 273.34(e).

3.139 Respondent failed to clearly label certain universal waste lamps generated at the Facility, in violation of the requirements of 40 C.F.R. § 273.34(e).

3.140 40 C.F.R. § 273.33(d)(1) requires that large quantity handlers of universal waste who accumulate universal waste lamps must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

The containers must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

3.141 During the August 2016 inspection, the EPA inspector visited building 5955 at the Facility and observed waste fluorescent lamps that facility representatives said were being managed as universal waste. The EPA inspector observed six waste fluorescent lamps that were not stored in a container or package and a package containing universal waste fluorescent lamps which was not closed.

3.142 During calendar year 2016, Respondent failed to contain universal waste lamps generated at the Facility in closed and/or structurally sound containers or packages, in violation of the requirements of 40 C.F.R. § 273.33(d)(1).

3.143 During the April 2017 inspection, the EPA inspector visited building 5800 at the Facility and observed waste fluorescent and metal halide lamps that facility representatives said were being managed as universal waste. The EPA inspector observed 27 waste fluorescent lamps that were not stored in a container or package and 15 boxes containing universal waste lamps which were not closed.

3.144 During calendar year 2017, Respondent failed to contain universal waste lamps generated at the Facility in closed and/or structurally sound containers or packages, in violation of the requirements of 40 C.F.R. § 273.33(d)(1).

3.145 During the October 2017 inspection, the EPA inspector visited the Weldin Construction lay down area at the Facility and observed two boxes containing waste fluorescent lamps that did not appear to be structurally sound.

3.146 During calendar year 2017, Respondent failed to contain universal waste lamps generated at the Facility in closed and/or structurally sound containers or packages, in violation of the requirements of 40 C.F.R. § 273.33(d)(1).

3.147 During the October 2018 inspection, the EPA inspector visited building 10471 and observed two eight-foot waste fluorescent lamps, three compact fluorescent lamps that were not stored in a container or package, and an unlabeled box containing three four-foot waste fluorescent lamps which was not closed.

3.148 During calendar year 2018, Respondent failed to contain universal waste lamps generated at the Facility in closed and/or structurally sound containers or packages, in violation of the requirements of 40 C.F.R. § 273.33(d)(1).

3.149 During the October 2018 inspection, the EPA inspector visited building 10480 and observed one four-foot waste fluorescent lamp against a wall and 13 four-foot waste fluorescent lamps in the basement that were not stored in a container or package.

3.150 During calendar year 2018, Respondent failed to contain universal waste lamps generated at the Facility in closed and/or structurally sound containers or packages, in violation of the requirements of 40 C.F.R. § 273.33(d)(1).

3.151 40 C.F.R. § 273.35(c) requires that large quantity handlers of 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 through one of several specified methods listed at 40 C.F.R. § 273.35(c)(1)-(6).

3.152 In August 2017, JBER personnel reported to EPA that Weldin employees performing LED light replacements at building 740 at the Facility had failed to mark the

accumulation start date on a container filled with waste lamps and a container that was in the process of being filled with waste lamps.

3.153 Respondent was unable to demonstrate the length of time that universal waste lamps generated at the Facility had been accumulated at building 740, in violation of the requirements of 40 C.F.R. § 273.35(c).

3.154 40 C.F.R. § 273.36 requires that large quantity handlers of universal waste must ensure that all employees are familiar with proper waste handling and emergency procedures.

3.155 In August 2017, JBER personnel reported to EPA that a Weldin employee performing LED light replacements at building 740 at the Facility had not received training concerning the proper handling of universal waste lamps.

3.156 Respondent failed to provide adequate training in universal waste handling to all of its employees, in violation of the requirements of 40 C.F.R. § 273.36.

COUNT 5: FAILURE TO COMPLY WITH PERMIT CONDITIONS: FAILURE TO STORE WASTE IN CONTAINERS IN GOOD CONDITION

3.157 The allegations set forth in paragraphs 3.1 through 3.153 are realleged and incorporated by reference herein.

3.158 Condition III.B.1 of Respondent's RCRA Part B permit for the DLA TSDF at 11735 Vandenberg Avenue at the Facility requires that if a container holding hazardous waste is not in good condition, the permittee, Respondent, shall transfer the hazardous waste to a container which is in good condition, or otherwise manage the waste in some other way in compliance with 40 C.F.R. § 264.171.

3.159 During the August 2016 Inspection, the EPA inspector visited the permitted TSDf at building 11735 and observed a container holding waste lamps that was damaged and the hazardous waste contents had not been transferred to a container which was in good condition. Facility representatives reported that the damaged container had been received at the Facility 131 days prior to the inspection.

3.160 Respondent violated the terms of Permit Condition III.B.1. by failing to transfer hazardous waste from a damaged container to a container that was in good condition.

COUNT 6: FAILURE TO COMPLY WITH PERMIT CONDITIONS: FAILURE TO PERFORM WEEKLY INSPECTIONS

3.161 The allegations set forth in paragraphs 3.1 through 3.153 are realleged and incorporated by reference herein.

3.162 Condition III.E.1 of Respondent's RCRA Part B permit for the DLA TSDf at 11735 Vandenberg Avenue at the Facility requires that the permittee, Respondent, inspect the areas where containers are stored at least once every seven days, looking for leaking containers, and for deterioration of containers and the containment system which may be caused by corrosion, temperature, and/or other factors, as required by 40 C.F.R. § 264.174.

3.163 During the October 2017 Inspection, the EPA inspector visited building 11735 and reviewed inspection logs which demonstrated that Respondent had not performed any inspections during the weeks of October 9-15, 2016, February 19-25, 2017, September 3-9, 2017, and October 8-14, 2017.

3.164 Respondent violated the terms of Permit Condition III.E.1. by failing to inspect the container storage areas at least once every seven days.

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 and legal conclusions contained in this Consent Agreement.

4.3. As required by Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), EPA has taken into account the seriousness of the violations and any good faith efforts to comply with applicable requirements. After considering these factors, EPA has determined, and Respondent agrees, that an appropriate penalty to settle this action is \$78,919 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 120 days of the effective date of the Final Order, and to undertake the actions specified in this Consent Agreement.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondents must note on the checks the title and docket number of this action. Respondent's Treasury Account Symbol is 057X3400. Inquiries concerning this payment can be made to Dr. Mark Prieksat. Dr. Prieksat can be reached at mark.prieksat@us.af.mil or (907) 384-3092.

4.6. Concurrently with payment, Respondent must serve photocopies of the checks, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Young.Teresa@epa.gov

Xiangyu Chu
U.S. Environmental Protection Agency
Region 10, Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
Chu.Xiangyu@epa.gov

4.7. Respondent is responsible for full payment of the Assessed Penalty within 120 days of the effective date of this Consent Agreement. However, any payments made by contractors for, and tenant-units co-located with, Respondent, as detailed in Attachment A, will be credited against Respondent's payment obligation for the Assessed Penalty. Any third-party payments to EPA shall be done pursuant to the provisions in paragraphs 4.5 and 4.6 and shall be made within 30 days of the effective date of this Consent Agreement. Respondent alone shall be responsible for the full outstanding balance of the Assessed Penalty, less any credit based on third-party payments pursuant to Attachment A, within 120 days of the effective date of this Consent Agreement.

4.8. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty shall become immediately due and owing.

4.9. 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.

4.10. Based on the findings contained in this Consent Agreement, Respondent is also ordered to comply with the following requirements pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a):

4.10.1. For each solid waste generated at the Facility, Respondent shall determine if that solid waste is a hazardous waste in accordance with 40 C.F.R. § 262.11.

4.10.2. Respondent shall not accumulate, store, or treat hazardous waste at the Facility except in accordance with a permit to operate a treatment, storage, or disposal facility pursuant to 40 C.F.R. Part 270, under interim status pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, or by complying with the conditions for accumulation in 40 C.F.R. §§ 262.15 and 262.17 at each location where hazardous waste is generated, accumulated, or treated.

4.11. The Assessed Penalty, including any additional costs incurred under Paragraphs 4.9 and 4.10 represents an administrative civil penalty assessed by EPA.

4.12. 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.

4.13. 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.

4.14. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violations alleged in Part III.

4.15. Except as described in Paragraphs 4.9 and 4.10, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.16. Respondent expressly waives any 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.

4.17. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

4.18. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

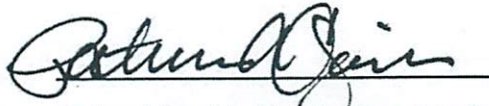
4.19. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this Consent Agreement, and to any stated permit action.

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

DATED:

9 Aug 19

FOR RESPONDENT:



Colonel Patricia Csank, Commander
673d ABW and Joint Base Elmendorf-Richardson

DATED:

8/12/2019

FOR COMPLAINANT:



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

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. RCRA-10-2019-0121
The United States Department)	
of the Air Force,)	
)	FINAL ORDER
Respondents.)	
)	
Joint Base Elmendorf Richardson,)	
Anchorage, Alaska)	
)	
Facility.)	
)	

1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegateed 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. Respondents are 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 Respondents' 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.

SO ORDERED this 15th day of August, 2019.


RICHARD MEDNICK
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: Joint Base Elmendorf Richardson, Docket No.: RCRA-10-2019-0121**, 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:

Nicholas Vidargas
U.S. Environmental Protection Agency
Region 10, Mail Stop 11-C07
1200 Sixth Avenue, Suite 155
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:

Col Patricia Csank, Commander
673d ABW and Joint Base Elmendorf-Richardson
10471 20th Street, Suite 139
Joint Base Elmendorf-Richardson, Alaska 99506

DATED this 16 day of August, 2019.



TERESA YOUNG
Regional Hearing Clerk
EPA Region 10