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HEARINGS CLERK BEFORE THE UNITED STATES
EPA -- REGIONAL ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	Docket No. RCRA-10-2016-0077
)	
Applied Finishing, Inc.)	EXPEDITED SETTLEMENT
Mukilteo, Washington)	AGREEMENT AND
EPA ID Number WAD 00124 2767)	FINAL ORDER
)	
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. Applied Finishing, Inc., ("Respondent") is the owner and/or operator of a facility at 4216 Russell Road, Mukilteo, Washington 98275 ("Facility"). The EPA inspected the Facility on November 5, 2015. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-201(2) includes as a condition, compliance with WAC 173-303-630(5)(a), which requires that containers used to accumulate dangerous waste be kept closed except when adding or removing waste. A 55-gallon drum that was used to accumulate dangerous waste still bottoms from the solvent distillation unit was not closed in violation of a condition set forth in WAC 173-303-201(2).
 - b. WAC 173-303-201(2) includes as conditions, compliance with WAC 173-303-200(1)(c) and (d), which require that containers of dangerous waste be marked with the words "dangerous waste" or "hazardous waste" and the date on which accumulation began. A 5-gallon container of dangerous waste still bottoms was not marked with the words "dangerous waste" or "hazardous waste" and the date on which accumulation began in violation of the conditions set forth in WAC 173-303-201(2)
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of two thousand dollars (\$2,000.00) 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): MIKE ALLIGOOD

Title (print): VICE PRESIDENT

Signature: 

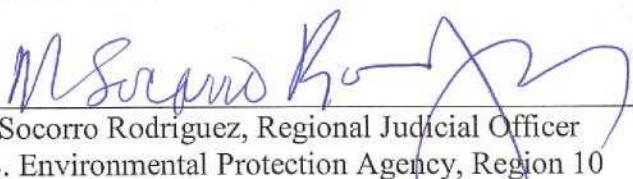
Date: 5-16-16

EPA REGION 10:


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

Date: 5/25/2016

IT IS SO ORDERED:


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

Date: 6/1/16

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

Respondent:

Applied Finishing, Inc.
Mukilteo, Washington 98275
EPA ID Number: WAD 00124 2767
Docket Number: RCRA-10-2016-0077

Penalty Calculation:

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

Violations	Number of Violations	Penalty
WAC 173-303-201(2): Failure to keep a container of dangerous waste closed	1	\$ 1,000
WAC 173-303-201(2): Failure to properly mark a container of dangerous waste	1	\$ 1,000
TOTAL	2	\$ 2,000

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Applied Finishing Docket No.: RCRA-10-2016-0077**, 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. Michael Alligood
Applied Finishing, Inc.
4216 Russell Road
Mukilteo, Washington 98275

DATED this 2 day of June, 2016



Signature

Teresa Luna
Regional Hearing Clerk
EPA Region 10