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HEARINGS CLERK  
EPA--REGION 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	
	)	
	)	Docket No.: RCRA-10-2012-0178
Kenai Peninsula Borough	)	
Soldotna, Alaska	)	
	)	
Respondent.	)	<b>CONSENT AGREEMENT AND FINAL ORDER</b>
	)	
Proceeding under Section 3008(a) of the	)	
Resource Conservation and Recovery	)	
Act, 42 U.S.C. § 6928(a)	)	
_____	)	

**I. STATUTORY AUTHORITY**

1.1. This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 3008(a) of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6928(a).

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.3. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), 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 Kenai Peninsula Borough (“Respondent”) agrees to the issuance of, the Final Order contained in Section V of this CAFO.

## **II. PRELIMINARY STATEMENT**

2.1. In accordance with 40 C.F.R. §§ 22.13 and 22.18(b)(2) and (3), issuance of this CAFO commences this proceeding, which will conclude when the Final Order contained in Part V of this CAFO becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority to sign consent agreements between EPA and the party against whom an administrative penalty is proposed to be assessed pursuant to RCRA Section 3008(a).

2.3. Part III of this CAFO 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 and permit requirements that Respondent is alleged to have violated.

## **III. ALLEGATIONS**

3.1. Respondent is a municipality and/or a political subdivision of the State of Alaska.

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. At all times relevant to the allegations set forth herein, Respondent is and has been the “owner” and “operator” of the Kenai Peninsula Borough Soldotna Maintenance Shop, located at 47140 E. Poppy Lane, Soldotna, Alaska (the “Facility”), as those terms are defined at 40 C.F.R. § 260.10.

3.4. The Facility generated and stored various types of solid waste from maintenance of Kenai Peninsula Borough schools, buildings, and vehicles.

3.5. Respondent has been a “generator” of, and has engaged in “storage” in “containers” of, materials that are “hazardous waste” at the Facility, as those terms are defined at 40 C.F.R. § 260.10.

3.6. The Facility submitted a “Notification of Hazardous Waste Activity” (EPA Form 8700-12) to the U.S. Environmental Protection Agency (“EPA”), dated January 17, 2008, which identified the Facility as a generator of less than 100 kilograms (“kg”) per month of hazardous waste, which would make the Facility a Conditionally Exempt Small Quantity Generator (“CESQG”).

3.7. At all times relevant to the allegations set forth herein, Respondent’s Facility was not a permitted treatment, storage, disposal facility, nor an interim status facility under Section 3005 of RCRA, 42 U.S.C. § 6925.

3.8. On September 22, 2009, authorized representatives of EPA conducted a RCRA compliance inspection (“2009 Inspection”).

3.9. Based on the 2009 Inspection, EPA issued a Notice of Violation (“NOV”) to Respondent on May 20, 2011, notifying Respondent of the following violations: failure to determine if solid waste at the facility is hazardous waste as required by 40 C.F.R. § 262.11; failure to mark containers of hazardous waste with the words “hazardous waste” or “universal waste” and with an accumulation start date as necessary to satisfy conditions set forth at 40 C.F.R. § 262.34 for accumulation of hazardous waste without a permit or interim status; and failure to label a tank and containers with the words “used oil” as required by 40 C.F.R. § 279.22(c).

Respondent provided a response to the NOV on June 15, 2011.

3.10. EPA issued a request for information to Respondent on September 19, 2011 (“Information Request”), requesting, among other things, additional information concerning wastes present during the 2009 Inspection. Respondent provided responses to the Information Request dated October 31, 2011, and December 15, 2011.

3.11. EPA has identified RCRA violations at the Facility based on information collected during the 2009 Inspection and on Respondent’s responses to the NOV and Information Request.

**Counts 1: Failure to Make Hazardous Waste Determinations**

3.12. 40 C.F.R. § 262.11 requires a person who generates a 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).

3.13. At the time of the 2009 Inspection, Respondent had failed to make a hazardous waste determination in accordance with 40 C.F.R. § 262.11 for the following solid wastes present at the waste accumulation area at the north end of the Facility grounds:

a. Paint-related waste totaling 2,839 pounds consisting of paint thinner in a two- gallon container and numerous five-gallon containers of kerosene, solvent, “325” solvent, printing solution, gear lubricant, plastic cement, and other unlabelled/unknown paint-related waste. Respondent subsequently determined that this waste stream was a D001 ignitable hazardous waste, as defined at 40 C.F.R. § 261.21.

b. Unknown waste in several 55-gallon containers and two Clorox containers totaling 30 pounds. Respondent subsequently determined that this waste stream was a D002 corrosive hazardous waste, as defined at 40 C.F.R. § 261.22.

c. A waste antifreeze/solvent mix in three 55-gallon containers totaling 1800 pounds. Respondent subsequently determined that this waste stream was a D001, D007, D008, F003, and F005 hazardous waste, as defined at 40 C.F.R. §§ 261.21, 261.24, and 261.31.

d. Unknown waste in a 10-gallon container totaling eight pounds. Respondent subsequently determined that this waste stream was a D001 ignitable hazardous waste, as defined at 40 C.F.R. § 261.21.

e. Waste fuels and solvents in several 55-gallon containers totaling 2900 pounds. Respondent subsequently determined that this waste stream was a D001, D018, D039, F003, and F005 hazardous waste, as defined at 40 C.F.R. §§ 261.21, 261.24, and 261.31.

f. Waste sludge in a 55-gallon container. Respondent subsequently determined that this waste stream was not a hazardous waste.

**Count 2: Storage of Hazardous Waste Without a Permit or Interim Status**

3.14. At the time of the 2009 Inspection, the following hazardous waste was being stored at the waste accumulation area at the north end of the Facility grounds in containers that that were not clearly marked with the date accumulation began and/or the words “Hazardous Waste”:

- a. A 55-gallon container labeled “Bad Gas – 13 Gal”;
- b. A 55-gallon drum with a faded “hazardous waste” marking, but which was not labeled or marked with the date waste accumulation began; and
- c. The hazardous waste identified above in Paragraphs 3.13(a)–(e) above.

3.15. At the time of 2009 Inspection, the Facility had failed to comply with the 40 C.F.R. § 262.11 waste determination requirement and had accumulated greater than 1000 kilograms (kg) of hazardous waste as specified above in Count I which, pursuant to 40 C.F.R. § 261.5(g), makes the accumulated waste subject to, at a minimum, the hazardous waste requirements applicable to generators of greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month.

3.16. Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c) require that any person who treats, stores, or disposes of hazardous waste must have a permit or interim status. However, under 40 C.F.R. § 262.34(d), a generator of greater than 100 kg but less than 1000 kg of hazardous waste in a calendar month may accumulate hazardous waste on-site in containers without a permit or interim status provided that, among other things, the generator complies with the requirements of 40 C.F.R. § 262.34(a)(2) and (3).

3.17. 40 C.F.R. § 262.34(a)(2) and (3) require that a generator clearly label containers holding hazardous waste with the date upon which each period of accumulation begins and with the words "Hazardous Waste."

3.18. Because Respondent failed to comply with the conditions for accumulation of hazardous waste without a permit or interim status at 40 C.F.R. § 262.34(d), by failing to clearly label containers holding hazardous waste with the date upon which each period of accumulation begins and with the words "Hazardous Waste," Respondent was operating 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(c).

### **Count 3: Failure to Label a Tank and Containers Containing Used Oil**

3.19. 40 C.F.R. § 279.22(c) requires that tanks and containers used by used oil generators to store used oil subject to regulation under 40 C.F.R. Part 279, Subpart C, be labeled or clearly marked with the words “Used Oil.”

3.20. At the time of the 2009 Inspection, there was a 300-gallon tank in the Facility maintenance shop that was being used to store used oil subject to regulation generated by Respondent that was not labeled or clearly marked with the words “Used Oil” as required by 40 C.F.R. § 279.22(c).

3.21. At the time of the 2009 Inspection, there were two 55-gallon drums and a five-gallon container in the waste accumulation area at the north end of the Facility that were being used to store regulated used oil subject to regulation that were not labeled or clearly marked with the words “Used Oil” as required by 40 C.F.R. § 279.22(c). The used oil in the containers had been generated by Respondent.

### **IV. CONSENT AGREEMENT**

4.1. Respondent admits the jurisdictional allegations contained in Part III of this CAFO.

4.2. Respondent neither admits nor denies the specific factual allegations contained in Part III of this CAFO.

4.3. In light of the seriousness of the violations, Respondent’s good faith efforts to comply, Respondent’s actions to correct the violation after having been notified by Complainant, Respondent’s willingness to settle this matter without litigation, and Respondent’s agreement to perform a Supplemental Environmental Project (“SEP”), and in accordance with the RCRA Civil Penalty Policy, EPA has determined and Respondent agrees that an appropriate penalty to settle

this action is TWELVE THOUSAND AND SEVEN HUNDRED AND SIXTY-FIVE DOLLARS (\$12,765).

4.4. Respondent agrees to the payment of the civil penalty set forth in Paragraph 4.3, within 30 days of the effective date of the CAFO.

4.5. Payment under this CAFO must be made payable to the order of "Treasurer, United States of America" by cashier's check, certified check, or by Automated Clearinghouse (ACH) for receiving U.S. currency.

- a. Payment by cashier's check or certified check shall be delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

- b. Payment by Automated Clearinghouse (ACH) must be accompanied by a statement identifying the title and docket number of this action. Payment must be made to:

PNC Bank  
808 17<sup>th</sup> Street NW  
Washington, DC 20074  
Contact – Jesse White 301-887-6548  
ABA = 051036706  
Transaction Code 22 - checking  
Environmental Protection Agency  
Account 310006  
CTX Format



4.6. In the event payment is made by cashier's check or certified check, Respondent must serve photocopies of the check 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 ORC-158  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Jack Boller  
U.S. Environmental Protection Agency  
Region 10, Mail Stop: OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

In the event payment is made by ACH, Respondent must send a notice by email to [acctsreceivable.cinwd@epa.gov](mailto:acctsreceivable.cinwd@epa.gov) demonstrating that payment has been made that references the title and docket number of this action, and serve photocopies of the notice on the Regional Hearing Clerk and EPA Region 10 at the addresses provided above.

4.7. If Respondent fails to pay the penalty assessed by this CAFO in full by the due dates set forth in Paragraph 4.4, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. Such a failure may also subject Respondent to a civil action to collect the assessed penalty under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), together with interest, handling charges, and additional nonpayment penalties described below.

4.7.1. Interest. Any unpaid portion of the of the assessed penalty shall bear interest at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective date of the Final Order set forth in Part V, provided, however, that no interest shall be payable on any

portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

4.7.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

4.7.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), if Respondent fails to pay on a timely basis the penalty set forth in Paragraph 4.3, Respondent shall pay a nonpayment penalty in an amount equal to six percent (6%) per annum on any portion of the assessed penalty that is more than 90 days past due, which nonpayment penalty shall be calculated as of the date the underlying penalty first becomes past due.

4.8. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.7, above, represents an administrative civil penalty assessed by EPA.

4.9. Respondent agrees to implement a SEP consisting of the construction and maintenance of a building at the Facility for accumulating hazardous waste. Respondent shall complete construction of the building and use it for accumulating hazardous waste within 60 days of the effective date of the Final Order, in accordance with all provisions described in this Consent Agreement and Attachment A to this CAFO. The Parties agree that this SEP is intended to secure significant environmental benefits by reducing the risk of a release of hazardous waste into the environment.

4.10. Respondent certifies that the cost estimate for the SEP included in Attachment A is complete and accurate and represents a fair estimate of the costs necessary to implement the SEP.

4.11. Respondent must continuously use the building constructed for the accumulation of hazardous waste containers for not less than three years.

4.12. Respondent hereby certifies that, as of the date of this Consent Agreement, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, under a grant, or as injunctive relief in any other case. Respondent further certifies that it has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

4.13. Respondent hereby certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent further certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

4.14. Respondent shall submit a SEP Report to EPA within 75 days of the effective date of the Final Order. The SEP Report shall contain the following information:

- a. A description of the SEP as implemented;
- b. Itemized costs, documented by copies of purchase orders and receipts or cancelled checks;

- c. Certification that construction of the hazardous waste container building has been fully implemented pursuant to the provisions of this CAFO;
- d. A description of any problems encountered and the solutions thereto; and
- e. A description of the environmental and public health benefits resulting from implementation of the SEP.

4.15. Respondent shall submit a SEP Completion Report to EPA within 30 days after completing all SEP requirements, including the requirement in Paragraph 4.11 to continuously use the constructed building for the accumulation of hazardous waste for three years. The SEP Completion Report shall contain the following information:

- a. A description of the SEP as implemented;
- b. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO;
- c. Itemized costs, documented by copies of purchase orders and receipts or cancelled checks;
- d. A description of any problems encountered and the solutions thereto; and
- e. A description of the environmental and public health benefits resulting from implementation of the SEP.

4.16. Unless otherwise instructed in writing by EPA, Respondent shall submit all notices and reports required by this CAFO by first class mail, overnight mail, or hand delivery to:

Jack Boller  
U.S. Environmental Protection Agency  
Region 10, Mail Stop: OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

4.17. Respondent agrees that EPA may inspect Respondent's records related to the SEP at any reasonable time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

4.18. Respondent must maintain legible copies of documentation of the underlying data for documents or reports submitted to EPA pursuant to this CAFO until the SEP Completion Report is accepted pursuant to Paragraph 4.19, and Respondent must provide the documentation of any such underlying data to EPA within 15 days of a written request for such information. In all documents or reports including, without limitation, the SEP Completion Report submitted to EPA pursuant to this CAFO, Respondent shall, by a corporate officer, sign and certify under penalty of law that the information contained in such a document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

4.19. Following receipt of the SEP Reports described in Paragraphs 4.14 and 4.15 above, EPA will do one of the following: (i) accept the Report; (ii) reject the Report, notify Respondent, in writing, of deficiencies in the Report and provide Respondent an additional 30 days in which to correct any deficiencies; or (iii) reject the Report and seek stipulated penalties in accordance with Paragraphs 4.21 and 4.22.

4.20. In the event the SEP is not completed as contemplated by this CAFO, then stipulated penalties shall be due and payable by Respondent upon demand by EPA in accordance with Paragraphs 4.21 and 4.22, below. Schedules herein may be extended based upon mutual written agreement of the parties.

4.21. If Respondent fails to satisfactorily complete construction of the hazardous waste container building or to complete the SEP as required by this CAFO, Respondent shall pay stipulated penalties, upon written demand from EPA, in the following amounts for each day the SEP remains incomplete:

<b>Period of Noncompliance</b>	<b>Penalty Per Violation Per Day</b>
1st through 7 <sup>th</sup>	\$ 100.00
8 <sup>th</sup> through 21 <sup>st</sup> day	\$ 250.00
22 <sup>nd</sup> through 30 <sup>th</sup> day	\$ 500.00
Greater than 30 days	\$ 1,000.00

4.22. If Respondent has not completed construction of the hazardous waste container building within 60 days of the effective date of this CAFO or if Respondent fails to satisfactorily complete the SEP as set forth in the CAFO, EPA may elect to terminate the SEP if it determines that Respondent is not making a good faith effort to satisfactorily complete the SEP. In addition, if at any time EPA determines that Respondent has abandoned the SEP, it may terminate the SEP. EPA shall provide written notice of SEP termination to Respondent. If EPA terminates the SEP, Respondent shall be liable for a lump sum stipulated penalty of \$22,103.00, less any amount that Respondent has paid under Paragraph 4.21. If Respondent pays a termination penalty under this Paragraph, it shall not be liable for stipulated penalties under Paragraph 4.21. Any sums already paid under Paragraph 4.21 shall be credited against the lump sum stipulated penalty due under this paragraph.

4.23. The determination of whether the SEP has been satisfactorily completed and whether Respondent has made a good faith, timely effort to implement the SEP is reserved to the sole discretion of EPA.

4.24. Respondent shall pay stipulated penalties within 15 days of receipt of a written demand by EPA for such penalties. Payment shall be in accordance with the provisions of Paragraphs 4.5 and 4.6, above. Interest and late charges shall be paid as stated in Paragraph 4.7, above.

4.25. Any public statement, oral or written, in print, film, or other media made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an administrative enforcement action taken by the U.S. Environmental Protection Agency under the "Resource Conservation and Recovery Act."

4.26. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP under the terms of this CAFO.

4.27. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

4.28. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this CAFO, Respondent has corrected the violations alleged in Section III.

4.29. Except as described in Subparagraph 4.7.2, above, each party shall bear its own fees and costs in bringing or defending this action.


4.30. Respondent expressly waives any right to contest the allegations and waives any right to appeal the Final Order set forth in Part V.

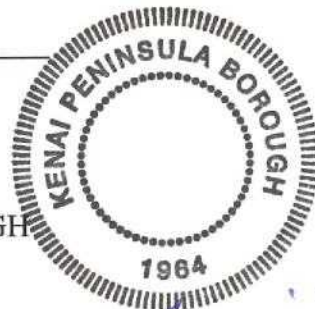
4.31. The provisions of this CAFO shall bind Respondent and its officers, directors, agents, servants, employees, successors, and assigns.

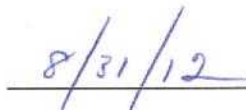
4.32. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

STIPULATED AND AGREED BY:

FOR RESPONDENT

  
\_\_\_\_\_  
Mike Navarre  
[PRINTED NAME]  
Title/Position: Mayor



  
\_\_\_\_\_  
Date

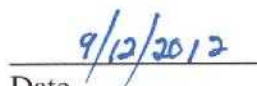
KENAI PENINSULA BOROUGH

STIPULATED AND AGREED BY:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk

FOR COMPLAINANT

  
\_\_\_\_\_  
Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

  
\_\_\_\_\_  
Date




**V. FINAL ORDER**

5.1. The terms of the foregoing Parts I-IV are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

5.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to RCRA for the particular violations alleged in Part III. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO 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 CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA, and regulations and permits issued thereunder.

5.3. This Final Order shall become effective upon filing.

SO ORDERED this 14<sup>th</sup> day of September 2012.

  
\_\_\_\_\_  
Thomas M. Jahnke  
Regional Judicial Officer



ATTACHMENT A

To Consent Agreement and Final Order  
In the Matter of: Kenai Peninsula Borough, Soldotna, Alaska  
EPA Docket Number: RCRA-10-2012-0178

SUPPLEMENTAL ENVIRONMENTAL PROJECT  
STATEMENT OF WORK

Pursuant to the Consent Agreement and Final Order (CAFO), the Kenai Peninsula Borough (Respondent) will implement the following Supplemental Environmental Project (SEP). The SEP will consist of constructing and maintaining a building at the Soldotna Maintenance Shop to house the facility's hazardous waste accumulation area. Respondent will continuously use the building to accumulate all hazardous wastes generated by the Soldotna Maintenance Shop for a minimum of three years following the effective date of the Final Order. Respondent will construct and maintain the building, and accumulate waste within the building, in accordance with all applicable federal, state, and local requirements including, but not limited to, hazardous waste requirements. Respondent will construct the building on an existing concrete pad. The structure will be approximately 32 feet by 24 feet with natural ventilation and a divider that enables incompatible wastes to be separated. Respondent will install adequate lighting and provide electric power to the building. Respondent will complete construction within 45 days of the signature of the CAFO. The estimated cost to construct the building is \$29,470.41, as detailed below.

**Estimated Labor Costs**

Estimated construction labor hours for waste accumulation structure based on a two-person crew working 10-hour days:

Repair concrete curbs and anchoring	2 days	20 hours
Frame walls	4 days	40 hours
Set glue-lam and joist hangers	1 day	10 hours
Build and set end walls	3 days	30 hours
Set roof rafters and sheet	3 days	30 hours
Install roof	3 days	30 hours
Install doors	2 days	20 hours
<b>Total estimated hours per person</b>		<b>180 hours</b>
<b>Total est. hours for two-person crew</b>		<b>360 hours</b>

Estimated labor costs based on regular employee wages for 200 hours and temporary employee wages for 160 hours:

Regular Employee Wages	8,000.00
Temporary Employee Wages	3,200.00
FICA	856.80
PERS	1,760.00
Health Insurance	2,000.00
Life Insurance	50.00
Leave	0.00
Sick Leave	0.00
Other Benefits per labor agreement	50.00
<b>Total Labor Costs</b>	<b>\$15,916.80</b>

**Estimated Material Costs:**

<b>Material</b>	<b>Amount</b>	<b>Cost Per</b>	<b>Total</b>
12 ft. 2x6's	116	\$6.90	\$ 800.40
16 ft. 2x6's	32	\$9.50	\$ 304.00
8 ft. 2x6's	24	\$4.36	\$ 104.64
12 ft. Laminate Beam	1	\$218.88	\$ 218.88
38 ft. Laminate Beam	1	\$1,405.00	\$ 1,405.00
14 ft. 2x10's	56	\$15.71	\$ 879.76
16 ft. 6x6's	2	\$54.24	\$ 108.48
T-111 siding	34	\$53.85	\$ 1,830.90
CDX Plywood	34	\$22.50	\$ 765.00
Roofing	18	\$115.17	\$ 2,073.06
Low Temp Bit	3	\$173.83	\$ 521.49
Tyvek	1	\$212.00	\$ 212.00
Man Door	1	\$500.00	\$ 500.00
Garage Door	1	\$2,100.00	\$ 2,100.00
112 Z Metal	1	\$150.00	\$ 150.00
112 Sill Seal	1	\$ 80.00	\$ 80.00
<b>Total Cost of Materials</b>			<b>\$12,053.61</b>

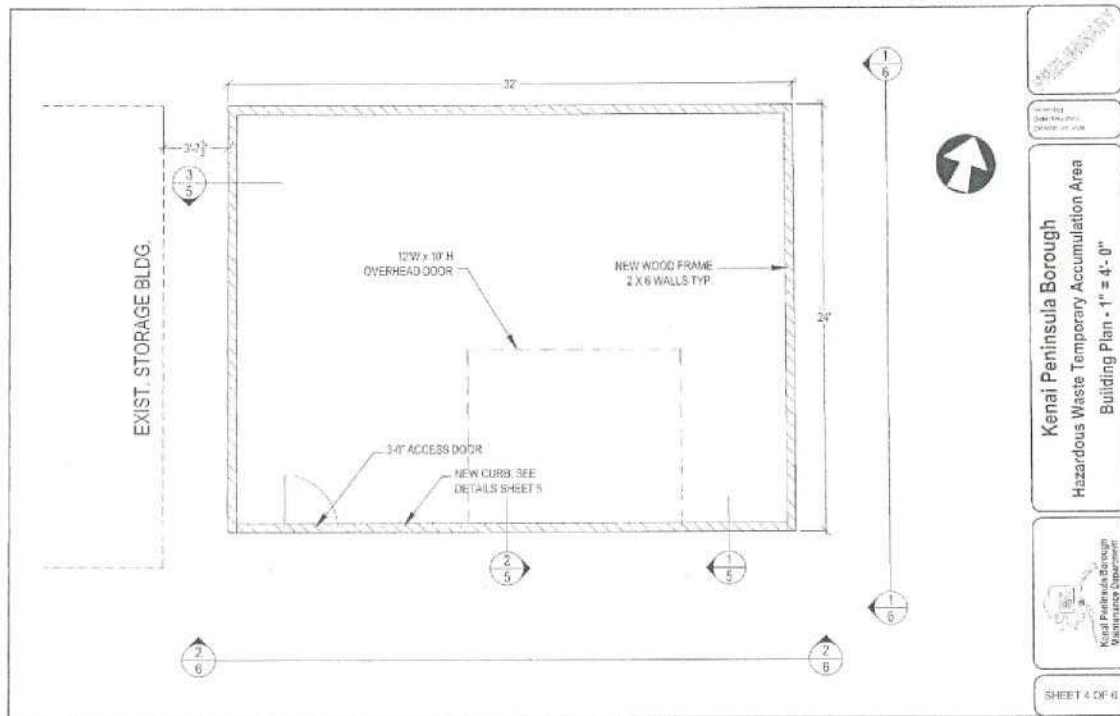
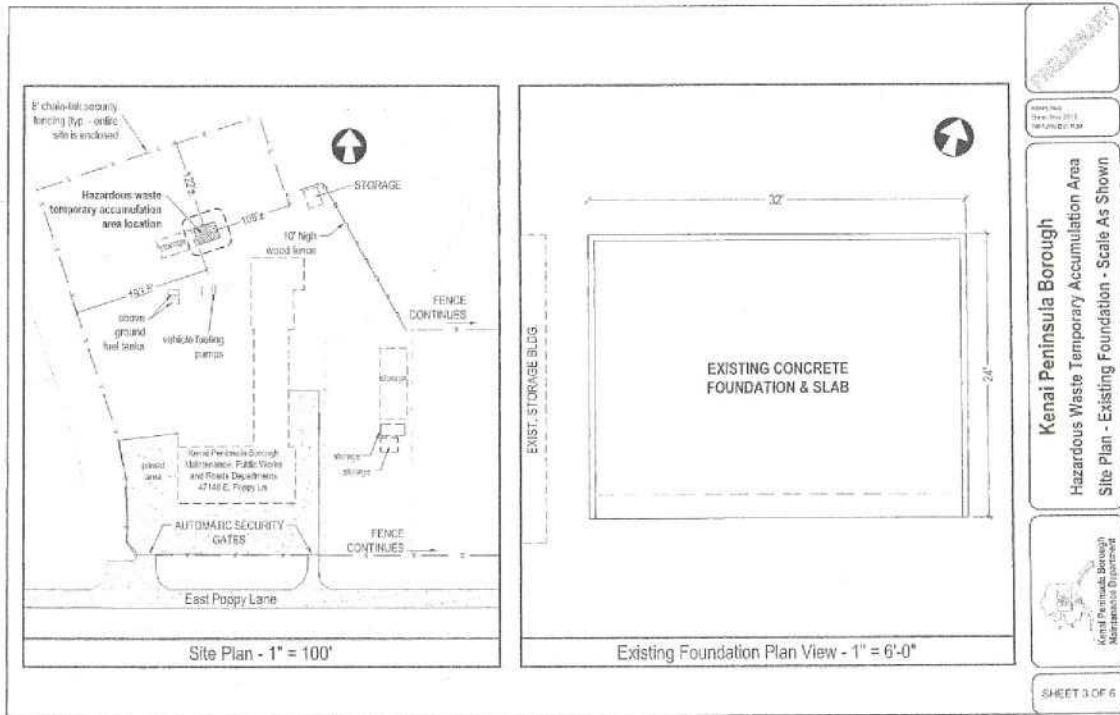
**Estimated Rental Costs:**

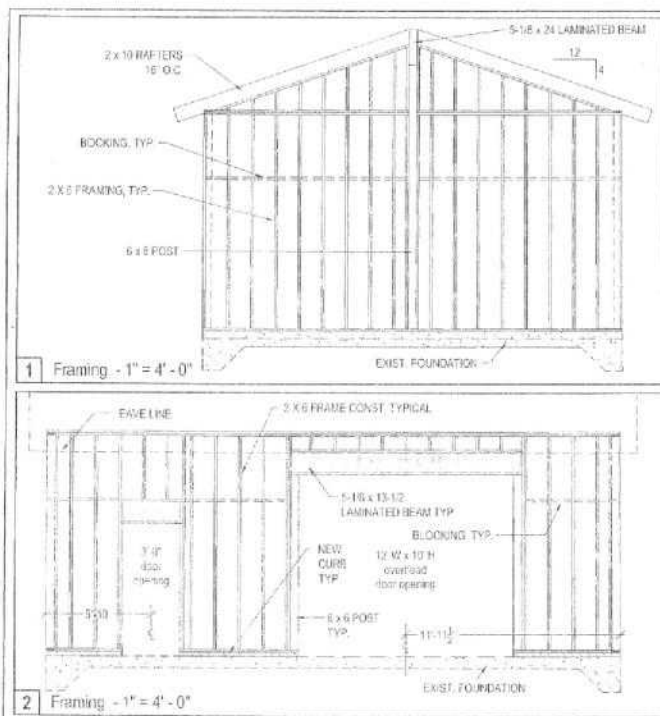
Estimated rental costs for a small compressor, pneumatic nail guns, and a small lift to raise the laminated beam is \$1500.00.

**Cost Summary:**

Labor Costs	\$15,916.80
Materials	\$12,053.61
Rents	<u>\$ 1,500.00</u>
<b>Total</b>	<b>\$29,470.41</b>

The building will be constructed to the specifications in the following drawings.





NOTES:

SCALE: AS SHOWN

NO. 1000  
DATE: 10/15/02  
DRAWN BY: JLB

Kenai Peninsula Borough  
Hazardous Waste Temporary Accumulation Area  
Wall Sections - Scale As Shown



SHEET 6 OF 8





Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of Kenai Peninsula Borough, Docket No.: RCRA-10-2012-0178**, 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:

Andrew Boyd, Esquire  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
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:

Colette Thompson, Borough Attorney  
Kenai Peninsula Borough  
144 North Binkley Street  
Soldotna, Alaska 99669-7520

DATED this 14<sup>th</sup> day of Sept, 2012



Signature



Candace Smith

Regional Hearing Clerk  
EPA Region 10

