

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF:)	Docket No. RCRA-10-2021-0181
)	
Costco Wholesale Corporation)	EXPEDITED SETTLEMENT
Juneau, Alaska)	AGREEMENT AND
EPA ID Number: AKR000003764)	FINAL ORDER
)	
Respondent)	
<hr style="width: 50%; margin-left: 0;"/>		

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. 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.
3. Costco Wholesale Corporation (“Respondent”) is the owner or operator of a facility at 5225 Commercial Boulevard, Juneau, Alaska (“Facility”). The EPA inspected the Facility on April 13, 2021. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. The regulations at 40 C.F.R. § 262.16 allow small quantity generators of hazardous waste to accumulate hazardous waste in containers without a permit provided they meet certain conditions. The conditions at 40 C.F.R. § 262.16(b)(6)(i)(A) require the small quantity generator mark or label the hazardous waste containers with the words “Hazardous Waste.” On April 13, 2021, in the Return to Vendor Area, one black five-gallon container dated “3/4/21” and labeled as corrosive was not marked or labeled with the words “Hazardous Waste,” constituting a failure to meet the conditions set forth in 40 C.F.R. § 262.16(b)(6)(i)(A)
 - b. The regulations at 40 C.F.R. § 262.16 allow small quantity generators of hazardous waste to accumulate hazardous waste in containers without a permit provided they meet certain conditions. The condition at 40 C.F.R. § 262.16(b)(2)(iv) requires that, at least weekly, the generator must inspect hazardous waste central accumulation areas, looking for leaking containers and deterioration of containers. On April 13, 2021 while reviewing central accumulation area inspection logs, the inspector observed four weeks where weekly inspections were not conducted, constituting a failure to meet the conditions set forth in 40 C.F.R. § 262.16(b)(2)(iv).

4. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined, and Respondent agrees that an appropriate penalty to settle this action is \$2,000. The attached Penalty Calculation Worksheet is incorporated by reference.
5. 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.
6. Each party shall bear its own costs and fees, if any.
7. 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.
8. 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.
9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
10. 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): GENE L. WATERS

Title (print): GENERAL MANAGER #107

Signature: 

Date: 7/28/21

EPA REGION 10:

EDWARD
KOWALSKI

Digitally signed by
EDWARD KOWALSKI
Date: 2021.07.29
07:54:02 -07'00'

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

Date: _____

IT IS SO ORDERED:

**RICHARD
MEDNICK**

Digitally signed by
RICHARD MEDNICK
Date: 2021.07.30
13:02:37 -0700'

Date: _____

**Richard Mednick, 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, In the Matter of: Costco Wholesale Corporation, DOCKET NO.: RCRA-10-2021-0181**, was filed with the Regional Hearing Clerk.

The undersigned certifies that a true and correct copy of the document was delivered to:

Jennifer Parker
U. S. Environmental Protection Agency, Region 10
Land Enforcement Section
1200 Sixth Avenue, Suite 155, M/S: 20-CO4
Seattle, Washington 98101
parker.jennifer@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was delivered electronically to:

Sharon Saknit
Director of Global Environmental Compliance
Costco Wholesale Corporation
999 Lake Drive
Issaquah, Washington 98027
ssaknit@costco.com

DATED this ____ day of _____, 2021.

TERESA
YOUNG

Digitally signed by
TERESA YOUNG
Date: 2021.07.30
15:03:01 -07'00'

Teresa Young
Regional Hearing Clerk
EPA Region 10