

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK
EPA - REGION 10

IN THE MATTER OF:)

Asko Processing, Inc.)
Seattle, Washington)

EPA ID Number WAD 04192 0554)

Respondent)

Docket No. RCRA-10-2019-0028

EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of the Resource Conservation and Recovery Act ("RCRA") and 40 C.F.R. § 22.13(b).
2. Asko Processing, Inc., ("Respondent") is the owner and/or operator of a facility located at 434 North 35th Street, Seattle, Washington ("Facility"). The EPA inspected the Facility on March 13, 2018. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. WAC 173-303-170(1)(a) states that a generator is responsible for designating their waste as dangerous waste. On March 13, 2018, dangerous waste determinations had not been performed on the dust from the polishing and grinding wheel in Building #3 nor on the sandblast grit in Building #1 in violation of WAC 173-303-170(1)(a).
 - b. WAC 173-303-170(3) allows a large quantity generator of dangerous waste to treat dangerous waste on site in containers without a permit provided that they comply with the applicable requirements of WAC 173-303-201. WAC 173-303-201 references WAC 173-303-200(1)(d), WAC 173-303-200(1)(c), and WAC 173-303-630(5)(a), which require that containers used to accumulate dangerous waste be marked with the words "dangerous waste" or "hazardous waste," be marked with the date accumulation began, and the containers must be closed except when adding or removing waste. On March 13, 2018, one container used to treat dangerous waste cadmium plate solution was not labeled, was not marked with the date accumulation began, and was not closed, in violation of conditions set forth in WAC 173-303-170(3).
 - c. WAC 173-303-200 allows a large quantity generator of dangerous waste to accumulate dangerous waste in containers without a permit, provided, in part, that they comply with the applicable requirements of WAC 173-303-630. WAC 173-303-630(8)(b) requires that generators accumulate ignitable waste in accordance with the International Fire Code, which requires that flammable materials be stored at least 15 meters (50 feet) from a

property line. On March 13, 2018, flammable waste was being accumulated less than 50 feet from the property line, in violation of WAC 173-303-200.

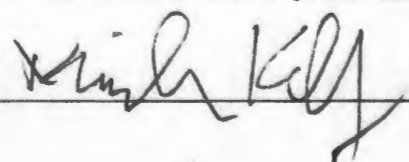
- d. WAC 173-303-573 requires that containers of universal waste lamps be properly labeled [WAC 173-303-573(10)(c)] and be accumulated in closed containers [WAC 173-303-573(9)(c)]. On March 13, 2018 in the maintenance area of Building #3, a box containing universal waste lamps was not closed and was not properly labeled, in violation of WAC 173-303-573.
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of four thousand dollars (\$4,000.00) 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:

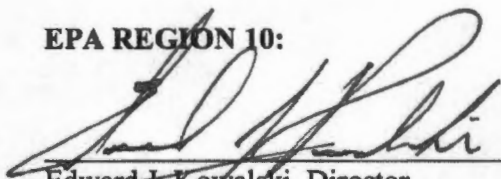
Name (print): MIKE KELLY

Title (print): V.P. ASKO PROCESSING INC.

Signature: 

Date: 12/6/18

EPA REGION 10:




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

Date:

11/5/2018

IT IS SO ORDERED:



Richard Mednick, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date:

12/11/18

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of Asko Processing, Inc., Docket No.: RCRA-10-2019-0028**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

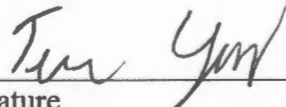
The undersigned certifies that a true and correct copy of the document was delivered to:

Xiangyu Chu
1200 Sixth Avenue, OCE-201
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:

Mr. Chuck Babb
Asko Processing, Inc.
434 North 35th Street
Seattle, Washington 98103

DATED this 12 day of December, 2018



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10