

alcohol) that were not marked as "Hazardous Waste."

3. Under GHWMR IV E [40 C.F.R. § 262.34(d)(2) and 40 C.F.R. § 265.173(a)], Respondent is required to make sure that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
 - a. The inspectors observed an open, and unlabeled cardboard box holding D001 hazardous waste (40 proof alcohol).
4. Under GHWMR IV E [40 C.F.R. § 262.34(d)(5)(iii)], Respondent is required to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
 - a. The TSA representative could not present documentation of training on the day of the inspection.
- C. EPA and Respondent agree that settlement of this matter for a penalty of seven thousand five hundred dollars (\$7,500) is in the public interest. The attached Proposed Penalty Worksheet is incorporated by reference.
- D. EPA is authorized to enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
- E. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Guam Hazardous Waste Management Regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives any right to contest the allegations contained herein.
- F. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violation(s) have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this Agreement.
- G. The civil penalty of \$7,500 should be paid in accordance with the enclosed document titled "Additional Instruction for Making a Payment for: Superfund, FOIA, Bankcard, Fines and Penalties". Include a copy of the first page of this Agreement with your payment.
- H. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claim alleged herein.
- I. 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.
- J. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
- K. Each party shall bear its own costs and fees, if any.
- L. 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,


Name (print): BRIAN CAHILL

Title (print): Federal Security Director

Signature: 

Date 10/17/2011

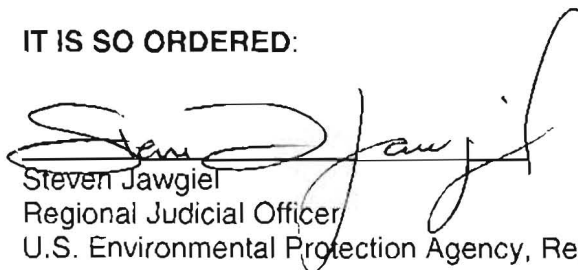
APPROVED BY EPA:



Jeff Scott, Director
Waste Management Division
U.S. Environmental Protection Agency, Region 9

Date 10/31/11

IT IS SO ORDERED:



Steven Jawgiel
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 9

Date 11/08/11

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Expedited Settlement Agreement and Final Order with TRANSPORTATION SECURITY ADMINISTRATION (Docket #: RCRA-09-2012-0002) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via CERTIFIED MAIL to:

Brian Cahill
Federal Security Director
Transportation Security Administration
355 Chalan Pasaheru, Ste. B375A
Tamuning, GU 96931

CERTIFIED MAIL NUMBER: 7000-1670-0009-3120-7225

And additional copy was hand-delivered to the following U.S. EPA case attorney:

Michael Hingerty, Esq.
Office of Regional Counsel
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105



Bryan K. Goodwin
Regional Hearing Clerk
U.S. EPA, Region IX

11/14/11
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

NOV 10 2011

Mr. Brian Cahill
Federal Security Director
Transportation Security Administration
355 Chalan Pasaheru, Suite B375A
Tamuning, GU 96931

Re: In the matter of Transportation Security Administration - U.S. EPA Docket No. RCRA-09-2012-02

Dear Mr. Cahill:

Enclosed is a copy of the fully executed Expedited Settlement Agreement which contains the terms of the settlement reached with the United States Environmental Protection Agency.

Your payment of the penalty identified in the Expedited Settlement Agreement and your certification that you have returned to compliance has closed this case. If you have any questions regarding the rules, regulations and statutes associated with this Expedited Settlement Agreement, please contact Cameron McDonald at (415) 972-3308 or mcdonald.cameron@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott".

Jeff Scott, Director
Waste Management Division

Enclosure

cc: w/out enclosures

Vincent J. Pereira
Program Manager
Hazardous Waste Management Program
Guam Environmental Protection Agency
P. O. Box 22439
Barrigada, Buam 96921
vincent.pereira@epa.guam.gov

Don S. Quinata
Hazardous Waste Technician
Guam Environmental Protection Agency
P. O. Box 22439
Barrigada, Guam 96921
Don.Quinata@epa.guam.gov

Cincinnati Finance Office