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HEARINGS CLERK
EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	
)	DOCKET NO. RCRA-10-2017-0163
)	
UNITED STATES COAST GUARD,)	CONSENT AGREEMENT
KODIAK BASE SUPPORT UNIT,)	
)	
Kodiak, Alaska,)	
)	
Respondent.)	

I. STATUTORY AUTHORITY

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

1.2. 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.

1.3. Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, 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 United States Coast Guard ("Respondent") agrees to issuance

of, the Final Order attached to this Consent Agreement (“Final Order”).

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of RCRA is proposed to be assessed.

2.3. Part III of this Consent Agreement 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 that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1 40 C.F.R. § 260.10 defines a “person” as an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a state, or any interstate body.

3.2 40 C.F.R. § 261.2(a)(1), defines “solid waste” as any discarded material that is not excluded under 40 C.F.R. § 261.4(a) or that is not excluded by a variance granted under 40 C.F.R. §§ 260.30 and 260.31 or that is not excluded by a non-waste determination under 40 C.F.R. §§ 260.30 and 260.34.

3.3 40 C.F.R § 261.3 defines “hazardous waste” as a “solid waste” as defined in 40 C.F.R. § 261.2 that has not been excluded from regulation as a hazardous waste under § 261.4(b) and which meets any of the criteria identified in 40 C.F.R. § 261.3(a)(2).

3.4 40 C.F.R § 260.10 defines “generator” as any person, by site, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261 or whose act first causes a hazardous waste to become subject to regulation.

3.5 The United States Coast Guard is a “Federal Agency” operating in the state of Alaska.

3.6 Respondent is a “person” as that term is defined by RCRA Section 1004(15), 42 U.S.C. § 6903(15).

3.7 At all times relevant to the allegations set forth herein, Respondent has been the “owner” and “operator,” as those terms are defined at 40 C.F.R. § 260.10, of the Coast Guard Base Support Unit located in Kodiak, Alaska (the “Facility”).

3.8 Respondent is a “generator” as defined by 40 C.F.R. § 260.10.

3.9 Respondent generates, among other things, a solid waste stream consisting of spent aerosol cans. Respondent has determined that waste aerosol cans generated at the Facility are a hazardous waste exhibiting the characteristic of reactivity.

3.10 Respondent’s activities at the Facility are subject to the closure, post-closure and corrective action requirements specified in its permit (Permit No. AK9 69033 0742, Issued February 11, 2011) (the “Permit”).

Count 1: Disposal of Hazardous Waste Without a Permit or Interim Status

3.11 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.

3.12 40 C.F.R. § 260.10 defines “disposal” as “the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.”

3.13 Groundwater beneath the Facility’s “Site 3” location is contaminated with a listed hazardous waste (meeting the waste code “F002”) from historic solvent disposal at the site related to its historic use as a dry cleaning facility. Site 3 is subject to post-closure and corrective action requirements under the Facility’s Permit.

3.14 Respondent, through the actions of its contractor, generated a hazardous waste when it forced up contaminated groundwater containing a listed (F002) hazardous waste during the installation of a monitoring well on May 6, 2013, at Site 3.

3.15 Approximately 60 gallons of groundwater containing a hazardous waste was disposed of on May 6, 2013, when the water was spilled onto the ground and subsequently entered a storm drain that empties into Womens Bay, a surface water body.

3.16 Permit No. AK9 69033 0742 does not authorize the disposal of hazardous waste upon the land or surface waters.

3.17 Respondent violated Section 3005 of RCRA, 42 U.S.C. §6925, and 40 C.F.R. § 270.1(c) by disposing of a hazardous waste without a permit or interim status.

Count 2: Storage of Hazardous Waste Without a Permit or Interim Status (2013)

3.18 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.

3.19 40 C.F.R. § 262.34(a) provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements of 40 C.F.R. § 262.34(a)(1)-(4). 40 C.F.R. § 262.34(a)(1)(i) incorporates by reference, among other things, the requirements of 40 C.F.R. § 265.174.

3.20 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator inspect areas where containers holding hazardous wastes are stored, to look for signs of leaking or deterioration of the containers.

3.21 On at least four occasions between March 2013 through October 2013, Respondent did not conduct weekly inspections of less than 90-day hazardous waste storage areas at the Facility.

3.22 Permit No. AK9 69033 0742 does not alter the requirements of 40 C.F.R. 265.174 as applied to the less than 90-day storage area.

3.23 Respondent violated Section 3005 of RCRA, 42 U.S.C. §6925, and 40 C.F.R. § 270.1(c).

Count 3: Storage of Hazardous Waste Without a Permit or Interim Status (2015)

3.24 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.

3.25 40 C.F.R. 262.34(a) provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements of 40 C.F.R. § 262.34(a)(1)-(4). 40 C.F.R. § 262.34(a)(1)(i) incorporates by reference, among other things, the requirements of 40 C.F.R. §§ 265.173 and 265.174.

3.26 40 C.F.R. § 265.173 requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

3.27 Between May 27-29, 2015, containers holding hazardous waste in contractor's less than 90-days waste accumulation areas at Hangar 3, the Hangar 2 demolition project area, and the housing construction site were observed to have been open when waste was not being added or removed.

3.28 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator inspect areas where containers holding hazardous wastes are stored, to look for signs of leaking or deterioration of the containers.

3.29 Between at least April 6, 2015, and May 29, 2015, Respondent did not conduct weekly inspections of containers in the less than 90-day hazardous waste storage areas at the Facility.

3.30 40 C.F.R. § 262.34(a)(1) requires that hazardous waste must be stored in containers that meet specified criteria.

3.31 Between May 27-29, 2015, Respondent's subcontractor had accumulated two aerosol cans in the back of a truck with the intention of disposing of them off site as non-

hazardous waste. The aerosol cans were not placed in a container suitable for the storage of a hazardous waste.

3.32 40 C.F.R. § 262.34(a)(2) requires that a container holding hazardous waste must be clearly marked with the date on which waste accumulation began.

3.33 Between May 27-29, 2015, at least six containers holding hazardous waste were observed in less than 90-day storage areas at the Facility that were not labeled with accumulation start dates.

3.34 40 C.F.R. § 262.34(a)(3) requires that while being accumulated on-site, each container of hazardous waste is labeled or marked clearly with the words, "Hazardous Waste."

3.35 Between May 27-29, 2015, at least seven containers of hazardous waste were observed in less than 90-day storage areas at the Facility that were not labeled with the words "Hazardous Waste."

3.36 40 C.F.R. § 262.34(c) provides that a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation ("satellite accumulation") without a permit or interim status and without complying with 262.34(a) through (d), so long as the generator complies with the conditions specified at 40 C.F.R. § 262.34(c)(1)(i) and (ii).

3.37 40 C.F.R. § 262.34(c)(1)(i) requires, among other things, that satellite accumulation containers must always be closed during storage, except when it is necessary to add or remove waste.

3.38 Between May 27-29, 2015, satellite accumulation containers holding hazardous waste in the MWR Auto Hobby Shop and waste accumulation area were observed to have been open when waste was not being added or removed.

3.39 Permit No. AK9 69033 0742 does not alter the requirements of 40 C.F.R. § 262.34 as applied to the aforementioned less than 90-day hazardous waste storage areas.

3.40 Respondent violated Section 3005 of RCRA, 42 U.S.C. §6925, and 40 C.F.R. § 270.1(c).

Count 4: Storage of Hazardous Waste Without a Permit or Interim Status

(May 2016)

3.41 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.

3.42 40 C.F.R. § 262.34(a) provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements of 40 C.F.R. § 262.34(a)(1)-(4). 40 C.F.R. § 262.34(a)(1)(i) incorporates by reference, among other things, the requirements of 40 C.F.R. §§ 265.173.

3.43 Respondent stored a five-gallon container of waste phenol, a hazardous waste, at the Base's medical clinic waste accumulation area between March 2, 2016, and June 7, 2016. The hazardous waste was stored in the waste accumulation area for a total of 98 days.

3.44 40 C.F.R. 265.173 requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

3.45 In May 2016, numerous waste aerosol cans were disposed of in containers that were not closed. These cans were disposed of in a dumpster outside of Building 20, in a dumpster at the Auto Hobby Shop, and in a dumpster at the UGH new housing site.

3.46 40 C.F.R. § 262.34(a)(2) requires that a container holding hazardous waste must be clearly marked with the date on which waste accumulation began.

3.47 In May 2016, at least four containers holding waste aerosol cans in less than 90-day storage areas at the Facility were not labeled with accumulation start dates.

3.48 40 C.F.R. § 262.34(a)(3) requires that while being accumulated on-site, each container of hazardous waste is labeled or marked clearly with the words, "Hazardous Waste."

3.49 In May 2016, at least four containers holding waste aerosol cans were not labeled with the words "Hazardous Waste." These containers were located in the UGH new housing construction area, at Building 20, and at the Auto Hobby Shop.

3.50 Permit No. AK9 69033 0742 does not alter the requirements of 40 C.F.R. § 262.34 as applied to the aforementioned less than 90-day hazardous waste storage areas.

3.51 Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c).

Count 5: Storage of Hazardous Waste Without a Permit or Interim Status

(October 2016)

3.52 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.

3.53 40 C.F.R. § 262.34(a) provides that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with the requirements of 40 C.F.R. § 262.34(a)(1)-(4). 40 C.F.R. § 262.34(a)(1)(i) incorporates by reference, among other things, the requirements of 40 C.F.R. § 265.174.

3.54 Respondent stored a 55-gallon container of waste aerosol cans at the HAZMIN Center for a total of 97 days until the waste was removed on October 15, 2016.

3.55 40 C.F.R. § 262.34(a)(1)(i) requires that hazardous waste be placed in a container.

3.56 Between October 12-14, 2016, approximately five open containers of discarded paint, each a hazardous waste, were left in the open near the paint booth in Hangar 1 and were not placed in containers.

3.57 40 C.F.R. § 265.174 requires that at least weekly, the owner or operator inspect areas where containers holding hazardous wastes are stored, to look for signs of leaking or deterioration of the containers.

3.58 During the week of August 7-13, 2016, no weekly inspection was conducted of a 55-gallon container of waste aerosol cans in the HAZMIN Center to look for signs of leaking or deterioration.

3.59 Between September 29, 2016, and October 20, 2016, no weekly inspections were conducted of the hazardous wastes stored in the flammable storage locker at Hangar 3 to look for signs of leaking or deteriorating containers.

3.60 40 C.F.R. § 262.34(a)(2) requires that a container holding hazardous waste must be clearly marked with the date on which waste accumulation began.

3.61 Between October 12-14, 2016, numerous containers of expired chemical materials were being stored in a flammable storage locker at Hangar 3. These materials had previously been determined to be solid and hazardous wastes. However, the storage locker had not been labeled with accumulation start dates.

3.62 40 C.F.R. § 262.34(a)(3) requires that while being accumulated on-site, each container of hazardous waste is labeled or marked clearly with the words, "Hazardous Waste."

3.63 Between October 12-14, 2016, numerous containers of expired chemical materials were being stored in a flammable storage locker at Hangar 3. These materials had previously been determined to be solid and hazardous wastes. However, the storage locker had not been labeled with the words "Hazardous Waste."

3.64 Between October 12-14, 2016, a garbage can in Hangar 1 near the paint booth, contained waste solvent rags. These materials are a hazardous waste but the container was not labeled with the words "Hazardous Waste."

3.65 Permit No. AK9 69033 0742 does not alter the requirements of 40 C.F.R. § 262.34 as applied to the aforementioned less than 90-day hazardous waste storage areas.

3.66 Respondent operated the Facility in violation of Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c).

**Count 6: Failure to Conduct Required Inspections of the Permitted Storage Facility
(2013-2015)**

3.67 Permit No. AK9 69033 0742 requires Respondent to conduct weekly and monthly inspections of the permitted hazardous waste storage areas at the Facility, in accordance with the Permit's Attachment 6. Permit Condition III.E.1. requires Respondent to inspect, at least once

every 7 days, areas where containers are stored. Permit Attachment 6 identifies areas to be inspected on a monthly basis. Permit Condition III.E.2. requires Respondent to document the inspections by maintaining the inspection log described in Attachment 6.

3.68 Between February 22, 2013, and April 30, 2013, Respondent failed on at least two occasions to complete the inspection log described in Permit Attachment 6.

3.69 Between May 9, 2013, and August 20, 2014, Respondent failed to inspect, at least once every 7 days, areas where hazardous waste containers are stored in the permitted storage area.

3.70 During March, April, May and June of 2015 Respondent failed to conduct required monthly inspections.

3.71 Respondent violated Permit No. AK9 69033 0742, Conditions III.E.1. and 2., and Attachment 6.

Count 7: Failure to Maintain an Adequate Contingency Plan

3.72 Permit No. AK9 69033 0742, Condition II.J. requires Respondent to comply with the contingency planning requirements of 40 C.F.R. §§ 264.50-264.56, and to implement the Contingency Plan, included as part of the facility Integrated Emergency Response Preparedness Plan, maintained at the facility in accordance with 40 C.F.R. § 264.52(b).

3.73 40 C.F.R. § 264.52(d) requires that a Contingency Plan must list names, addresses and phone numbers of all persons qualified to act as emergency coordinator and this list must be kept up to date.

3.74 Between at least June 2011 and May 2013, Respondent's Contingency Plan identified persons qualified to act as emergency coordinator by their official position but failed to

have an up to date identification by name of all persons qualified to act as emergency coordinator because it identified by name several contacts who were no longer working at the Facility.

3.75 Between at least June 2014 and August 2014, Respondent's Contingency Plan did not have an up to date identification of all persons qualified to act as emergency coordinator because it identified at least two contacts who were no longer working at the Facility.

3.76 Between March 2015 and May 2015, Respondent's Contingency Plan did not have an up to date identification of all persons qualified to act as emergency coordinator because it identified one contact person who was no longer working at the Facility.

3.77 40 C.F.R. § 264.53(b) requires that Respondent submit a copy of the Contingency Plan and all revisions to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

3.78 In 2014, Respondent provided a copy of the Contingency Plan to the local fire department but not the local police department or local hospital.

3.79 Respondent violated Permit No. AK9 69033 0742, Condition II.J.

Count 8: Failure to Label Used Oil Storage Units with the Words "Used Oil"

3.80 "Used Oil" is defined at 40 C.F.R. § 279.1 as "any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

3.81 Respondent generates and stores used oil at its Facility.

3.82 A used oil generator's activities are subject to the requirements found at 40 C.F.R. § 279.22 related to used oil storage.

3.83 40 C.F.R. § 279.22(c)(1) requires containers and above-ground tanks used to store used oil at generator facilities to be labeled or marked clearly with the words "Used Oil."

3.84 On May 6, 2013, a one-gallon metal pail that was being used to accumulate used oil from crushed used oil filters in Building N1. The container was not labeled with the words "Used Oil."

3.85 Respondent violated 40 C.F.R. § 279.22(c)(1).

Count 9: Failure to Properly Manage Universal Waste

3.86 40 C.F.R. Part 273, Subpart C specifies the requirements applicable to large quantity handlers of universal waste.

3.87 "Universal waste" includes, among other things, "battery(ies)" and "lamp(s)" as those terms are defined at 40 C.F.R. § 273.9.

3.88 Respondent accumulates 5,000 kilograms or more of universal waste at any time and therefore is a "large quantity handler of universal waste," as that term is defined at 40 C.F.R. § 273.9.

3.89 40 C.F.R. § 273.34(a) requires a large quantity handler of universal waste to label or mark clearly each battery or container in which such batteries are contained with one of the following phrases: "Universal Waste- Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

3.90 On May 27, 2015, a Ni-Cad battery was being stored in the T-1 Comm Transmitter Building and was not labeled in any manner that would identify it as a waste battery.

3.91 On May 27, 2015, several Ni-Cad batteries were identified in a trash can at the Hangar 2 Demolition Project. The trash can was not labeled in any manner that would identify them as waste batteries.

3.92 Respondent violated 40 C.F.R. § 273.34(a).

3.93 40 C.F.R. § 273.33(d)(1) requires a large quantity handler of universal waste to contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed.

3.94 On May 27, 2015, three open containers of discarded fluorescent lamps were observed in the permitted hazardous waste storage building.

3.95 On October 12, 2016, three waste fluorescent lamps were observed in an open trash can at Hangar 1.

3.96 Respondent violated 40 C.F.R. § 273.33(d)(1).

3.97 40 C.F.R. § 273.35(c) requires a large quantity handler of universal waste to be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received through one of several specified methods listed at 40 C.F.R. § 273.35(c)(1)-(6).

3.98 On May 27, 2015, a Ni-Cad battery was being stored in the T-1 Comm Transmitter Building and several Ni-Cad batteries were identified in a trash can at the Hangar 2 Demolition Project. Respondent did not have records or markings or another method in use to be able to demonstrate the length of time that the wastes had been accumulated in the trash can.

3.99 Respondent violated 40 C.F.R. § 273.35(c).

3.100 Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$95,284 per day of noncompliance for each violation of a requirement of Subtitle C of RCRA, issue an order requiring compliance, or both.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), EPA has taken into account the seriousness of the violations and any good faith efforts to comply with applicable requirements. After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$45,000 (the "Assessed Penalty").

4.4. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

4.5. Payments under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

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

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, 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-113
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Young.Teresa@epa.gov

Xiangyu Chu, Compliance Officer
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101
Chu.Xiangyu@epa.gov

4.7. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, the entire unpaid balance of the Assessed Penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below. In any collection action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

4.8. If Respondent fails to pay any portion of the Assessed Penalty by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the Assessed Penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order attached hereto, 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 attached hereto.

4.8.2. 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.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the Assessed Penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The Assessed Penalty, including any additional costs incurred under Paragraphs 4.8 represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

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

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraphs 4.7 and 4.8, each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.13. For the purposes of this proceeding, Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of

fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.15. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.16. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

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

DATED:

8/24/2017

FOR RESPONDENT:



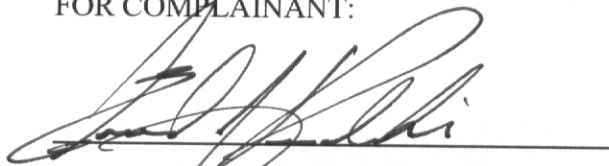
CAPTAIN JEFFREY W. GOOD, Commanding Officer
United States Coast Guard Base Kodiak

REAR ADMIRAL JAMES M. HEINZ,
Director of Operational Logistics,
United States Coast Guard

DATED:

9/5/2017

FOR COMPLAINANT:



EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

fact or law set forth in this Consent Agreement and the Final Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

4.15. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.16. Respondent consents to the issuance of any specified compliance or corrective action order, to any conditions specified in this consent agreement, and to any stated permit action.

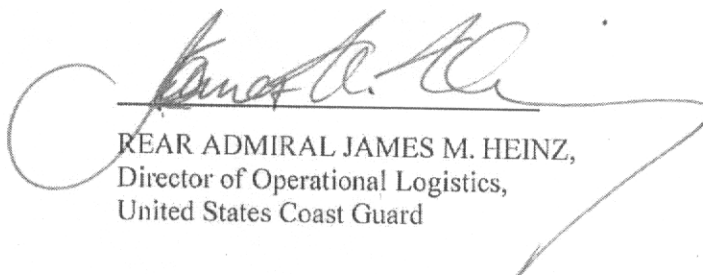
4.17. The above provisions are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED:

FOR RESPONDENT:

CAPTAIN JEFFREY W. GOOD, Commanding Officer
United States Coast Guard Base Kodiak

8/30/2017



REAR ADMIRAL JAMES M. HEINZ,
Director of Operational Logistics,
United States Coast Guard

DATED:

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. RCRA-10-2017-0163
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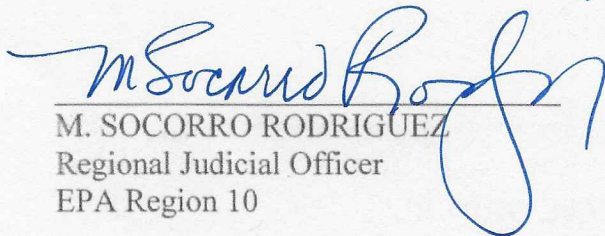
1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegate this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under RCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order 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 Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of RCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 7th day of September, 2017.


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: UNITED STATES COAST GUARD, KODIAK BASE SUPPORT UNIT, Docket No.: RCRA-10-2017-0163**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

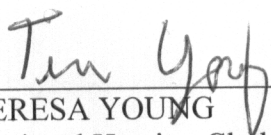
The undersigned certifies that a true and correct copy of the document was delivered to:

Shirin V. Gallagher, Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, 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:

Captain Jeffrey W. Good
Commanding Officer
U.S. Coast Guard
Base Support Unit Kodiak
P.O. Box 195025
Kodiak, Alaska 99619-5025

DATED this 12 day of September, 2017.



TERESA YOUNG
Regional Hearing Clerk
EPA Region 10