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HEARINGS CLERK  
EPA REGION 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	
	)	DOCKET NO. RCRA-10-2018-0335
UNITED STATES BUREAU OF	)	
RECLAMATION	)	CONSENT AGREEMENT
	)	
Respondent	)	
	)	
GRAND COULEE DAM PROJECT	)	
	)	
Facility	)	
	)	
	)	

**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. Pursuant to Section 6001(b) of RCRA, 42 U.S.C. § 6961(b), EPA may take enforcement actions against departments, agencies, and instrumentalities of the federal government in the same manner and under the same circumstances as against any other person.

1.3. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), EPA granted the State of Washington final authorization to administer and enforce a hazardous waste program

and to carry out such program in lieu of the federal program. This authorization excludes Indian Country.

1.4. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may enforce the federally-approved Washington program and the federal hazardous waste program in Indian Country in the State of Washington as provided in 51 Fed. Reg. 20, 3783 (January 30, 1986).

1.5. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), notification of this action has been given to the Washington Department of Ecology. Notice has also been provided to the Confederated Tribes of the Colville Reservation.

1.6. 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 the U.S. Bureau of Reclamation (“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 basis for each violation alleged 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 Respondent is the United States Bureau of Reclamation.

3.2 Respondent is a department, agency, and/or other instrumentality of the United States.

3.3 Respondent is a “person” as that term is defined by Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and WAC 173-303-040.

3.4 Congress expressly waived the United States’ sovereign immunity through enactment of 42 U.S.C § 6961(a) to ensure that “[e]ach department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural . . . respecting control and abatement of solid waste or hazardous waste disposal and management in the same manner, and to the same extent, as any person is subject to such requirements. . .”

3.5 As authorized by federal law, the State of Washington has adopted regulations for the management of dangerous wastes found at WAC 173-300.

3.6 At all times relevant to the allegations set forth herein, Respondent Bureau of Reclamation is and has been the “operator” of Grand Coulee Dam (the “Facility”), located at T28N R30E SW1/4 in Grand Coulee, Washington, and EPA asserts that Bureau of Reclamation is the “owner” of the Facility as those terms are defined at 40 C.F.R. § 260.10.

3.7 A portion of the Facility is on tribal land subject to the federal RCRA regulations, and the other portion of the Facility is on land subject to the State of Washington's authorized hazardous waste program.

3.8 On May 24-25, 2017, EPA conducted an inspection ("May 2017 Inspection") at the Facility to determine Respondent's compliance with RCRA.

3.9 Pursuant to Section 3007(a) of RCRA, 42 U.S.C. § 6927(a), EPA issued a Request for Information to the Facility on October 31, 2017. On November 30, 2017 the Respondent responded to the Request for Information.

Count 1- Failure to Make a Hazardous or Dangerous Waste Determination

3.10 40 C.F.R. § 262.11 provides that a person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

3.11 40 C.F.R. § 262.11(a) requires that the hazardous waste determination for each solid waste must be made at the point of waste generation.

3.12 WAC 173-303-170(1)(a) requires that any person who generates a solid waste, as defined in WAC 173-303-016, that is not exempted or excluded by WAC 173-303-016 or by the Washington Department of Ecology, is responsible for designating their waste as dangerous waste (DW) or extremely hazardous waste (EHW) in accordance with the procedures set out at WAC 173-303-070(3).

3.13 Between February 2017 and November 2017, Respondent generated and stored a total of 1,821 pounds (826 kilograms) of solid wastes at various points of generation at the

Facility but did not determine whether the wastes were hazardous or dangerous wastes as required by 40 C.F.R. § 262.11 and WAC 173-303-170(1)(a). 832 pounds (377 kilograms) of the waste were ultimately determined to be hazardous and dangerous wastes as indicated in Respondent's November 30, 2017 response to EPA's Request for Information.

3.14 Respondent violated 40 C.F.R. § 262.11 and/or WAC 173-303-170(1)(a) depending on whether the point of generation was on the Tribal side of the Facility or the side of the Facility subject to the State of Washington's authorized program.

Count 2: Illegal Storage of Hazardous or Dangerous Waste without a Permit or Interim Status

3.15 At all times relevant to the allegations set forth herein, Respondent's Facility was not a permitted treatment, storage, disposal facility, or an interim status facility under Section 3005 of RCRA, 42 U.S.C. § 6925 and WAC 173-303-800.

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 have a permit or interim status.

3.17 WAC 173-303-800 through WAC 173-303-840 require that the owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste must, when required by that chapter, obtain a permit.

3.18 40 C.F.R. § 262.34(d) provides that a generator who generates more than 100 kilograms (220 pounds) of hazardous waste in a calendar month but less than 1,000 kilograms (2,205 pounds) of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or interim status, provided that (1) the quantity of waste accumulated on-site never exceeds 6,000 kilograms (13,228 pounds); and (2) provided that the generator complies with the requirements identified at 40 C.F.R. § 262.34(d)(2)-(5).

3.19 The requirements of 40 C.F.R. § 262.34(d) were re-codified via a rulemaking published at 81 Fed. Reg. 228, 85732 (November 28, 2016). The requirements previously codified at 40 C.F.R. § 262.34(d) are now located at 40 C.F.R. § 262.16 and became effective in Indian Country as of May 30, 2017. This provision is not directly in effect in areas subject to the jurisdiction of Washington state.

3.20 WAC 173-303-201(1) provides that persons who generate more than 220 pounds (100 kilograms) per calendar month but less than 2,200 pounds (998 kilograms) per calendar month and do not accumulate on-site more than 2,200 pounds of dangerous waste at any time are subject to the requirements of WAC 173-303-200, except as specified at WAC 173-303-201(2)(a) through (e). WAC 173-303-201(2)(a) provides that such generators may accumulate dangerous wastes for one hundred eighty days or less.

3.21 At the time of EPA's May 2017 Inspection, Respondent was subject to the requirements of WAC 173-303-200(1).

3.22 WAC 173-303-200(1)(d) requires that while being accumulated on site, each container or tank holding a dangerous waste must be marked with the words "Dangerous Waste" or "Hazardous Waste." Each container or tank must also be marked with a label or sign identifying the major risk associated with the waste(s).

3.23 At the time of the May 2017 Inspection of the Facility's Paint shop satellite accumulation area (located on the Washington side of the Facility), an EPA inspector observed a drum that contained spent aerosol cans, a dangerous waste, but was not marked with the words "Hazardous Waste" or "Dangerous Waste" nor was it marked with a label identifying the major risk associated with the waste.

3.24 Respondent failed to meet the requirements of WAC 173-303-200(1) and WAC 173-303-200(1)(d).

3.25 40 C.F.R. § 262.34(a)(2) requires that a Generator, as defined in 40 C.F.R. § 260.10, may accumulate hazardous waste on-site without a permit or interim status provided that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. The requirements of 40 C.F.R. § 262.34(a)(2) are incorporated by reference at 40 C.F.R. § 262.34(d)(4) and are applicable to Small Quantity Generators.

3.26 At the time of the May 2017 Inspection, an EPA inspector observed four drums in the less than 180-day accumulation area of the Hazardous Waste Storage building located on the Colville Reservation that were not dated with an accumulation start date. The four drums contained hazardous waste and were labeled with the words "Hazardous Waste: Paint Thinner," but were not dated with an accumulation start date.

3.27 At the time of the May 2017 Inspection, an EPA inspector observed solid wastes stored in the northwest corner of the Facility's Hazardous Waste Storage Building for which a hazardous waste determination had not yet been made. Nine containers were subsequently determined to contain hazardous waste, as indicated in Respondent's November 30, 2017 response to EPA's October 31, 2017 Request for Information. These containers were not marked with an accumulation start date.

3.28 Respondent failed to meet the requirements of 40 C.F.R. § 262.34(a)(2).

3.29 At all times relevant to this matter, Respondent generated more than 100 kilograms/ 220 pounds of hazardous or dangerous waste during a calendar month but less than 1,000 kilograms/ 2,200 pounds per month.

3.30 At the time of the May 2017 Inspection, an EPA inspector observed solid wastes stored in the northwest corner of the Facility's Hazardous Waste Storage Building for which a hazardous waste determination had not yet been made. Nine containers were subsequently determined to contain hazardous waste, and had been stored at the Facility from February through November 2017, as indicated in Respondent's November 30, 2017 response to EPA's October 31, 2017 Request for Information, for a total of at least 299 days before being shipped off site for disposal or treatment.

3.31 At the time of the May 2017 Inspection, an EPA inspector observed a drum in the less than 180-day accumulation area outside the Facility's Paint Shop. This drum was labeled with the words "Hazardous Waste," and dated with an accumulation start date of October 3, 2015. On the date of the inspection, this drum had been stored at the Facility for 599 days.

3.32 At the time of the May 2017 Inspection, an EPA inspector observed a drum in a white shed outside a room off the main part of the Machine Shop. This drum was labeled with the words "Hazardous Waste," and dated with an accumulation start date of December 10, 2015. On the date of the inspection, this drum had been stored at the Facility for 531 days.

3.33 Respondent failed to meet the time limits for storage of hazardous waste without a permit or interim status applicable to either Medium or Small Quantity Generators at WAC 173-303-200(1) and WAC 173-303-201(1) and 40 C.F.R. § 262.34(d)<sup>1</sup>.

3.34 WAC 173-303-200(1)(b)(i) applies to the use of containers by dangerous waste generators and incorporates by reference the requirements of WAC 173-303-630(6) which requires that, at least weekly, the owner or operator must inspect areas where containers are

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<sup>1</sup> After May 30, 2017, the effective regulation is 40 C.F.R. § 262.16(b).

stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The owner or operator must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken.

3.35 40 C.F.R. § 262.34(d)(1) provides that a generator who generates greater than 100 kilograms (220 pounds) but less than 1000 kilograms (2,205 pounds) of hazardous waste in a calendar month may accumulate hazardous waste onsite for up to 180 days so long as it complies with the requirements of 40 C.F.R. § 265.174 which requires that, at least weekly, the owner or operator must inspect areas where containers are stored and must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

3.36 The requirements of 40 C.F.R. § 262.34(d) were re-codified via a rulemaking published at 81 Fed. Reg. 228, 85732 (November 28, 2016). The requirements previously codified at 40 C.F.R. § 262.34(d)(4) are now found at 40 C.F.R. § 262.16(b)(2)(iv) and became effective in Indian Country as of May 30, 2017. This provision is not directly in effect in areas subject to the jurisdiction of Washington state.

3.37 At the time of the May 2017 Inspection, an EPA inspector reviewed Respondent's facility records and observed that in October and December 2016, the Respondent failed to perform two weekly inspections for each month of containers of dangerous waste stored in the Facility's Paint Shop.

3.38 Between at least February and November of 2017, Respondent failed to perform inspections of at least 9 containers (832 pounds) of hazardous waste that had been stored in the Facility's Hazardous Waste Storage Building.

3.39 Respondent failed to meet the weekly container inspection requirements of WAC 173-303-630(6) and 40 C.F.R. § 265.174<sup>2</sup>.

3.40 40 C.F.R. § 262.34(d)(1) provides that a generator who generates greater than 100 kilograms (220 pounds) but less than 1000 kilograms (2,205 pounds) of hazardous waste in a calendar month may accumulate hazardous waste onsite for up to 180 days so long as it complies with the requirements of 40 C.F.R. § 262.34(a)(3) which requires that, while being accumulated on-site each container is labeled or marked clearly with the words, "Hazardous Waste."

3.41 Between at least February and November of 2017, Respondent failed to label at least 9 containers (832 pounds) of hazardous waste that had been stored in the Facility's Hazardous Waste Storage Building with the words "Hazardous Waste."

3.42 Respondent failed to meet the container labeling requirements of 40 C.F.R. § 262.34(a)(3).

3.43 Because it failed to comply with the conditions necessary to store hazardous and dangerous waste without a permit, Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925, and 40 C.F.R. § 270.1(c), and WAC 173-303-800.

Count 3: Failure to Comply with Used Oil Management Requirements

3.44 Respondent generates and stores used oil at the Facility.

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<sup>2</sup> After May 30, 2017, the effective regulation is 40 C.F.R. § 262.16(b)(2)(iv).

3.45 WAC 173-303-515(6)(a)(i) requires that generators and persons managing used oil store used oil only in containers that are closed at all times, except when adding or removing used oil.

3.46 At the time of the May 2017 Inspection, an EPA inspector observed that Respondent stored used oil in containers that were open when used oil was not being added or removed: in a drum with an open bung hole in the Facility's Machine Shop, in a drum in the Facility's Truck Shop, and in two open drums in the Facility's Right Powerhouse.

3.47 40 C.F.R. § 279.22(c)(1) requires that used oil generators that store used oil in containers must label or clearly mark the containers with the words "Used Oil." WAC 173-303-515(6) incorporates by reference the standards for used oil generators of 40 C.F.R. Parts 279.20 through 279.24 except 40 C.F.R. Part 279.21.

3.48 At the time of the May 2017 Inspection, an EPA inspector observed that Respondent stored used oil in containers that were not labeled or marked with the words "Used Oil": four drums in the Facility's Hazardous Waste Storage Building which were labeled as "Waste Oil," and two drums in the Facility's Right Powerhouse.

3.49 Because it failed to comply with the used oil management requirements, Respondent violated 40 C.F.R. § 279.22(c)(1) and WAC 173-303-515(6).

Count 4: Failure to Comply with Universal Waste Management Requirements

3.50 40 C.F.R. § 273.9 defines a "small quantity handler of universal waste" as a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

3.51 Respondent generates and stores universal waste lamps and batteries at various locations throughout the Facility

3.52 Respondent is a small quantity handler of universal waste

Count 4(a) Failure to Contain Universal Waste Lamps

3.53 40 C.F.R. § 273.13(d)(1) and WAC 173-303-573(9)(c) require a small quantity handler of universal waste to contain any lamps 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 and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

3.54 At the time of the May 2017 Inspection, an EPA inspector observed uncontained waste lamps stored on top of containers and on tables, and waste lamps stored in open containers at the Facility's Machine Shop, Pump Generating Plant 1, and Hazardous Waste Storage Building.

3.55 Because it failed to properly contain universal waste lamps, Respondent violated 40 C.F.R. § 273.13(d)(1) and WAC 173-303-573(9)(c).

Count 4(b) Failure to Label Universal Waste Lamps

3.56 40 C.F.R. § 273.14(e) and WAC 173-303-573(10) require a small quantity handler of universal waste to label or mark the universal waste to identify the type of universal waste. Universal waste lamps (that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

3.57 At the time of the May 2017 Inspection, an EPA inspector observed numerous unlabeled universal waste lamps and containers of universal waste lamps located in the Facility's Machine Shop, Third Powerhouse, and Hazardous Waste Storage Building.

3.58 Because it failed to properly mark or label universal waste lamps, Respondent violated 40 C.F.R. § 273.14(e) and WAC 173-303-573(10).

Count 4(c) Failure to Demonstrate the Length of Time Universal Waste has been Accumulated

3.59 40 C.F.R. § 273.15(c) and WAC 173-303-573(11)(c) require that a small quantity handler of universal waste who accumulates universal waste must 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 using any of the methods specified in 40 C.F.R. § 273.15(c)(1)-(6) and WAC 173-303-573(11)(c)(i)-(vi).

3.60 At the time of the May 2017 Inspection, an EPA inspector observed numerous universal waste lamps and containers of universal waste lamps located in the Facility's Machine Shop, Pump Generating Plant I, Third Powerhouse, and Hazardous Waste Storage Building, as well as a container of universal waste, lithium batteries in the Hazardous Waste Storage Building, which were not labeled or otherwise marked with an accumulation start date, nor was there any system in place to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

3.61 Because it failed to demonstrate the length of time that universal waste was accumulated, Respondent violated 40 C.F.R. § 273.15(c) and WAC 173-303-573(11)(c).

3.62 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 \$97, 229 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 \$115,500.

4.4. Given the unique circumstances associated with Bureau of Reclamation's appropriations covering the Grand Coulee Dam, the penalty is due and owing within 90 days of the effective date of the Final Order.

4.5. Respondent consents to the assessment of the penalty. Payment of the penalty shall be made as promptly as practicable, consistent with the normal processing procedures followed by the Respondent, but no later than 90 days from the effective date of the Final Order. Within 14 days of the effective date of the Final Order, Respondent shall certify in writing to EPA that all steps necessary to meet the penalty payment obligations have been carried out and that the proper documentation for penalty payment to EPA has been submitted.

4.6. 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.

4.6.1. Payment by Respondent may also be made using the Intra Governmental Payment and Collection application (IPAC), using the Agency's Location Code (ALC) 68-01-0727. Please include the Docket Number of this action (Docket No. RCRA 10-2018-0335) in the description field of the IPAC. The Customer Service contact is Peter Hendrickson at 513-487-2086.

4.7. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.6 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 155  
Seattle, Washington 98101  
young.teresa@epa.gov

Xiangyu Chu  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-101  
1200 Sixth Avenue, Suite 155  
Seattle, Washington 98101  
chu.xiangyu@epa.gov

4.8. If Respondent fails to make full and complete payment of the \$115,500 penalty by the due date set forth in this CAFO, the entire unpaid balance of the penalty shall become immediately due and owing. EPA reserves its right to compel payment. In any action to compel

payment of the unpaid balance of the penalty of \$115,500.00, the validity, amount, and appropriateness of the penalty shall not be subject to review.

4.9. However, if the Respondent demonstrates to EPA that it has taken all necessary steps to secure the penalty payment, EPA may agree as necessary in its sole discretion to modify the penalty payment date via written agreements between the Director of the Office of Compliance and Enforcement EPA Region 10 and the Power Manager of the Grand Coulee Power Office for Respondent.

4.10. Under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c), failure to take corrective actions within the time specified in this Consent Agreement may subject Respondent to additional civil penalties for each day of continued noncompliance.

4.11. The penalty, including any additional costs incurred under Paragraphs 4.8 represents an administrative civil penalty assessed by EPA.

4.12. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligations to comply with RCRA, the applicable regulations thereunder, or this Consent Agreement. Nothing in this Consent Agreement shall be interpreted to require obligations or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.

4.13. The undersigned representative of Respondent Bureau of Reclamation 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.

4.14. 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.

4.15. Each party shall bear its own costs and attorneys' fees in bringing or defending this action.

4.16. Respondent Bureau of Reclamation expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order and/or to confer with the EPA Administrator under Section 6001(b)(2) of RCRA, 42 U.S.C. § 6961(b)(2), on any issue of law or fact set forth in this Consent Agreement and the Final Order.

4.17. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

4.18. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its successor departments, agencies and instrumentalities.

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

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

DATED:

11 SEP 2018

FOR RESPONDENT:

Coleman Smith

COLEMAN SMITH  
Power Manager  
Grand Coulee Power Office  
United States Bureau of Reclamation

DATED:

Sept 12, 2018.

FOR COMPLAINANT:

Edward J. Kowalski

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

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

DATED:

11 SEP 2018

FOR RESPONDENT:

Coleman Smith

COLEMAN SMITH  
Power Manager  
Grand Coulee Power Office  
United States Bureau of Reclamation

DATED:

9-12-18

FOR COMPLAINANT:

Edward J. Kowalski

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-10-2018-0335
	)	
UNITED STATES BUREAU OF	)	
RECLAMATION	)	<b>FINAL ORDER</b>
	)	
Respondent	)	
	)	
GRAND COULEE DAM PROJECT	)	
	)	
Facility	)	
	)	
	)	
	)	

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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 re delegated 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 13<sup>th</sup> day of September, 2018.

  
RICHARD MEDNICK  
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: U.S. Bureau of Reclamation, Docket No.: RCRA-10-2018-0335**, 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:

William Lindsey  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ORC-113  
1200 Sixth Avenue, 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:

Coleman Smith  
Grand Coulee Power Manager  
Bureau of Reclamation PO Box 620  
Grand Coulee, WA 99133

DATED this 14 day of September, 2018.

  
\_\_\_\_\_  
TERESA YOUNG  
Regional Hearing Clerk  
EPA Region 10