

Jack

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

12 JAN 12 PM 7:51

HEARINGS CLERK EPA -- REGION 10

IN THE MATTER OF:)
One Hour Fireweed Cleaners)
Anchorage, Alaska 99503)
EPA ID Number AKR 00000 3210)
Respondent)

Docket No. RCRA-10-2012-0034

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. The One Hour Fireweed Cleaners ("Respondent") is the owner or operator of a facility at 500 East Fireweed Lane, Anchorage, Alaska ("Facility"). The EPA inspected the Facility on September 28, 2011. The EPA alleges Respondent violated the following requirements of RCRA:
a. 40 C.F.R. Part 270 requires the owner and/or operator of a facility that treats, stores, or disposes of hazardous waste to obtain a permit. However, 40 C.F.R. § 262.34 allows a small quantity generator to accumulate hazardous waste onsite without a permit, provided that the generator marks containers of hazardous waste with the date on which each period of accumulation begins and the words "Hazardous Waste" [40 C.F.R § 262.34(d)(4)]. On September 28, 2011, there was a drum of hazardous waste perchlorethylene that was not marked with the date on which the period of accumulation began and was not marked with the words "Hazardous Waste," in violation of 40 C.F.R. § 262.34(d)(4).
b. 40 C.F.R. Part 270 requires the owner and/or operator of a facility that treats, stores, or disposes of hazardous waste to obtain a permit. However, 40 C.F.R. § 262.34 allows a small quantity generator to accumulate hazardous waste onsite without a permit, provided that the generator, at least weekly, inspects the areas where hazardous waste containers are stored [40 C.F.R. § 262.34(d)(2) references 40 C.F.R. § 265.174]. On September 28, 2011, there was no record that the facility had been conducting weekly inspections of the hazardous waste container storage area, in violation of 40 C.F.R. § 262.34(d)(2).
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of seven hundred dollars (\$700.00) is in the public interest. The attached Penalty Calculation Worksheet is incorporated by reference.

4. Payment under this Agreement must be made by cashier's check or certified check payable to the order of "Treasurer, United States of America" and delivered via United States mail to the following address:

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

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

5. Respondent must deliver via United States mail a photocopy of the check described in Paragraph 4 to the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

and

Jack Boller, RCRA Compliance Officer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

6. 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.
7. Each party shall bear its own costs and fees, if any.
8. 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.
9. 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.
10. In signing this Agreement, Respondent certifies that Respondent is a small business, based on the Small Business Administration (SBA) size standards (13 C.F.R. Part 121).

11. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
12. 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:

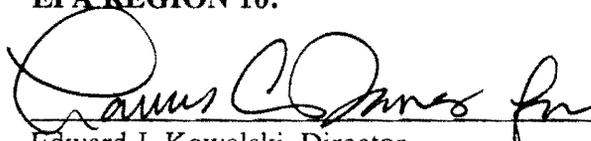
Name (print): Randy E Earp

Title (print): Owner

Signature: 

Date: 12/15/11

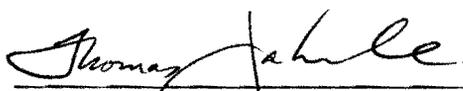
EPA REGION 10:



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

Date: 12-8-11

IT IS SO ORDERED:



Thomas Jahnke, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: 1/9/12

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First National Bank
ALASKA
MEMBER FDIC

CASHIERS CHECK

03

No. 00123685

89-6
1252

PAY ***SEVEN HUNDRED and 00/100***USDollars

DATE/TIME
12/15/11

TO THE ORDER OF
TREASURER,
UNITED STATES OF AMERICA

12 JAN - 6 PM 9:11
HEARINGS CLERK
EPA -- REGION 10

700.00

Remitter or Purchaser

Not to Exceed \$5,000.00

MEMO: RCRA-10-2012-0034

ONE HOUR
FIREWEED CLEANERS

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THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.



First National Bank
ALASKA
MEMBER FDIC

CASHIERS CHECK COPY

03

No. 00123685

TO THE ORDER OF
TREASURER,
UNITED STATES OF AMERICA

DATE/TIME
12/15/11

AMOUNT PAID
700.00

Remitter or Purchaser

Customer Copy
NON-NEGOTIABLE

ONE HOUR
FIREWEED CLEANERS

**U. S. EPA REGION 10
RCRA Expedited Settlement Agreement
Penalty Calculation Worksheet**

Respondent:

One Hour Fireweed Cleaners
Anchorage, Alaska 99503
EPA ID Number AKR 00000 3210

Penalty Calculation:

Size of Business:

Respondent is a "small business" based on the Small Business Administration (SBA) size standards (13 C.F.R. Part 121).

Penalty Amount for a Small Business:

\$350 per violation

Violations	Number of Violations	Penalty
40 C.F.R § 262.34(d)(4): Hazardous waste container labeling	1	\$350
40 C.F.R § 262.34(d)(2): Hazardous waste inspections	1	\$350
TOTAL	2	\$700

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** was filed with the Regional Hearing Clerk on January 12, 2012.

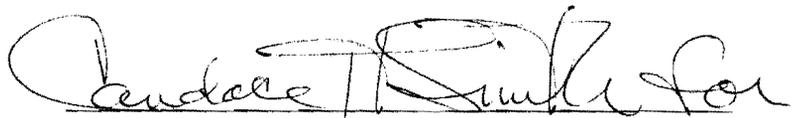
On January 12, 2012, the undersigned certifies that a true and correct copy of the document was delivered to:

Jack Boller, RCRA Compliance Officer
U.S. Environmental Protection Agency
Region 10, OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 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 on January 12, 2012 to:

Randy Earp
One Hour Fireweed Cleaners
Anchorage, AK 99503

DATED this 12th of January 2012

A handwritten signature in black ink, appearing to read "Carol Kennedy", written over a horizontal line.

Carol Kennedy
Regional Hearing Clerk
EPA Region 10