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**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY** 17 AUG 31 AM 9:13

HEARINGS CLERK
EPA REGION 10

IN THE MATTER OF:)
)
University of Alaska Fairbanks)
Fairbanks, Alaska)
EPA ID Number AKD 04867 9567)
)
Respondent)
_____)

Docket No. RCRA-10-2017-0110
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. University of Alaska (“Respondent”) is the owner and/or operator of a facility at 505 South Chandalar Drive, Fairbanks, Alaska 99775-8145 (“Facility”). The EPA inspected the Facility on May 14 – 15 and June 11, 2015. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. 40 C.F.R. § 262.11 requires that a generator of solid waste must determine if the waste is hazardous waste.
 1. On May 15, 2015, facility personnel had not determined if solid waste in the Central Accumulation Area in room 210 of the Reichardt Building was hazardous waste.
 2. On May 15, 2015, facility personnel had not determined if solid waste near the entrance gate of the Duckering Building was hazardous waste.
 - b. 40 C.F.R. § 262.34(c)(1)(i) references 40 C.F.R. § 265.173(a), which requires a generator of hazardous waste to keep satellite containers of hazardous waste closed. On May 15, 2015, a satellite container for accumulation of waste isopropyl alcohol in room 143 of the O’Neill Building and a satellite container for accumulation of waste aerosol cans in the Central Heat and Power Plant were not closed.
 - c. 40 C.F.R. § 262.34(a)(4) references 40 C.F.R. § 265.16(c), which requires an annual review of hazardous waste training. On May 15, 2015, Mr. Richard Deck and Mr. Bill Krause did not have up-to-date annual hazardous waste training.
 - d. 40 C.F.R. § 279.22(c)(1) requires that containers of used oil be marked with the words “Used Oil.” On May 14, 2015, at least five containers of used oil in the Hazardous Materials Facility, grounds maintenance shop, and the vehicle maintenance shop in the Facility Services Building were not marked with the words “Used Oil.”

- e. 40 C.F.R. Part 273 requires that containers of universal waste lamps be accumulated for no more than one year from the date the waste was first generated [40 C.F.R. § 273.15(a)] and that the containers remain closed [40 C.F.R. § 273.13(d)(1)].
1. On May 14, 2015, a container of universal waste lamps in the Hazardous Materials Facility was marked with an accumulation start date of February 11, 2013. The lamps had been accumulated for more than one year.
 2. On May 14, 2015, a 55-gallon container of universal waste fluorescent lamps in the Central Heat and Power Plant was not closed.
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of seven thousand dollars (\$7,000.00) 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:

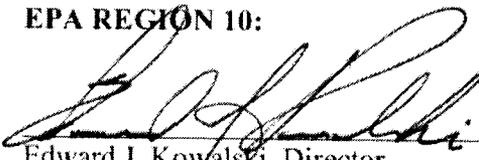
Name (print): Daniel M. White

Title (print): Chancellor

Signature: 

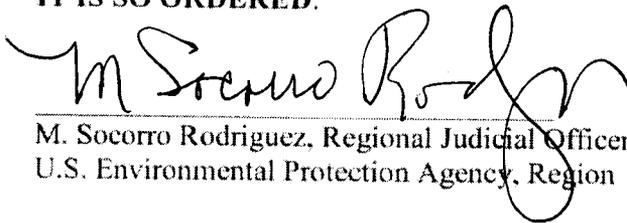
Date: 8/3/17

EPA REGION 10:


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

Date: 7/20/2017

IT IS SO ORDERED:


M. Socorro Rodriguez, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: August 30, 2017

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

Respondent:

University of Alaska Fairbanks
Fairbanks, Alaska 99775-8145
EPA ID Number: AKD 04867 9567
Docket Number: RCRA-10-2017-0110

Penalty Calculation:

Pursuant to the EPA RCRA Expedited Settlement Policy, the penalty is \$1000 per violation.

Violations	Number of Violations	Penalty
40 C.F.R. § 262.11: Failure to determine if a solid waste is a hazardous waste	2	\$2,000
40 C.F.R. § 262.34(c)(1)(i): Failure to close hazardous waste satellite accumulation containers	1	\$1,000
40 C.F.R. § 262.34(a)(4): Failure of facility personnel to participate in an annual review of training	1	\$1,000
40 C.F.R. § 279.22(c)(1): Failure to label containers with the words "Used Oil"	1	\$1,000
40 C.F.R. Part 273: Failure to properly manage universal waste lamps	2	\$2,000
TOTAL	7	\$7,000

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of University of Alaska Fairbanks Docket No.: RCRA-10-2017-0110**, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

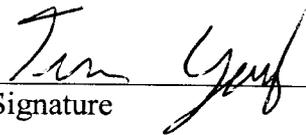
The undersigned certifies that a true and correct copy of the document was delivered to:

Jack Boller
1200 Sixth Avenue, OAWT-1500
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:

Dr. Dana Thomas
Chancellor
P.O. Box 757500
Fairbanks, Alaska 99775-8145

DATED this 31 day of August, 2017



Signature

Teresa Young
Regional Hearing Clerk
EPA Region 10