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HEARINGS CLERK
EPA--REGION 10

BEFORE THE UNITED STATES)
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)
)
Alyeska TAPS Valdez Marine Terminal)
Valdez, Alaska 99686)
EPA ID Number AKD 05258 1758)
)
)
Respondent)
_____)

Docket No. RCRA-10-2015-0046
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. Alyeska TAPS Valdez Marine Terminal ("Respondent") is the owner and/or operator of a facility at 300 Dayline Road, Pipeline MP 800, Valdez, Alaska 99686 ("Facility"). The EPA inspected the Facility on August 12 & 13, 2013. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. 40 C.F.R. § 262.34(a)(1)(i) references 40 C.F.R. § 265.174, which requires that areas where containers of hazardous waste are stored be inspected at least weekly.
 1. Based on inspection logs from January 2011 to August 13, 2013, there were 29 instances where no weekly inspections were conducted for the main VMT 90-day accumulation area.
 2. Based on inspection logs from January 2011 to August 13, 2013, there were 18 instances where no weekly inspections were conducted for the VMT Equipment Shop 90-day accumulation area.
 3. Based on inspection logs from January 2011 to August 13, 2013, there were nine instances where no weekly inspections were conducted for the VMT Maintenance Shop 90-day accumulation area.
- Failure to conduct weekly inspections of hazardous waste accumulation areas is a violation of a condition set forth in 40 C.F.R. § 265.174.
- b. 40 C.F.R. § 262.42(a)(2) requires that an exception report be submitted when a signed manifest is not returned within 45 days of shipment. On August 13, 2013, no exception

report had been submitted for manifest number 000015264, which was not returned within 45 days of shipment, in violation of 40 C.F.R. § 262.42(a)(2).

- c. 40 C.F.R. § 262.34(c)(1)(i) references 40 C.F.R. § 265.173(a), which requires that satellite accumulation containers of hazardous waste be kept closed unless waste is being added or removed. On August 13, 2013 in the VFF paint room, a five gallon satellite accumulation container of spent solvent, a 55-gallon satellite drum of waste paint solvent, and a step can for the satellite accumulation of solvent-contaminated rags were not closed, in violation of 40 C.F.R. § 265.173(a).
 - d. 40 C.F.R. Part 273 requires that containers of universal waste lamps be labeled [40 C.F.R. § 273.14(e)] and closed [40 C.F.R. § 273.13(d)(1)]. 40 C.F.R. Part 273 also requires that containers of universal waste batteries be labeled [40 C.F.R. § 273.14(a)]. On August 12, 2013 in building WS-02-A, one box of universal waste lamps was not closed and one container of universal waste lamps was not labeled. In the Maintenance Instrumentation and Electrical Shop, one container of universal waste lamps was not labeled. In the Warehouse Central Waste Accumulation Area, two containers of universal waste batteries were not labeled. Failure to keep containers of universal waste closed and properly labeled is a violation of 40 C.F.R. Part 273.
3. The EPA has determined and Respondent agrees that settlement of this matter for a civil penalty of six thousand dollars (\$6,000.00) 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:

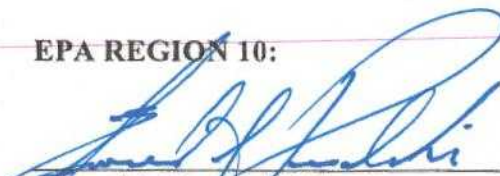
Name (print): SCOTT A. HICKS

Title (print): SR. DIRECTOR, VALDEZ OPERATIONS

Signature: 


Date: 25 MARCH 2015

EPA REGION 10:


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

Date: 4/8/2015

IT IS SO ORDERED:


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

Date: 4/13/15

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

Respondent:

Alyeska TAPS Valdez Marine Terminal
Valdez, Alaska 99686
EPA ID Number: AKD 05258 1758
Docket Number: RCRA-10-2015-0046

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. § 262.34(a)(1)(i): Failure to conduct weekly inspections of hazardous waste accumulation areas.	3	\$ 3,000
40 C.F.R. § 262.42(a)(2): Failure to file an exception report.	1	\$ 1,000
40 C.F.R. § 262.34(c)(1)(i): Failure to keep satellite containers of hazardous waste closed.	1	\$ 1,000
40 C.F.R. Part 273: Failure to properly manage containers of universal waste.	1	\$ 1,000
TOTAL	6	\$ 6,000

Certificate of Service

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Alyeska TAPS Valdez Marine Terminal, Docket No.: RCRA-10-2015-0046** 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
US EPA
Office of Air, Waste and Toxics
1200 Sixth Avenue, Suite 900
M/S - AWT-1500
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:

Ms. Linda T. Edwards
Alyeska TAPS Valdez Marine Terminal
P.O. Box 196660, MS 507
Anchorage, Alaska 99519

DATED this 16th day of April, 2015


Signature

Candace H. Smith
Regional Hearing Clerk
EPA Region 10