

RECEIVED

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

12 MAR 14 AM 9:33
HEARINGS CLERK
EPA -- REGION 10

IN THE MATTER OF: ) Docket No. RCRA-10-2012-0062
)
SGS North America, Inc. ) EXPEDITED SETTLEMENT
Anchorage, Alaska ) AGREEMENT AND
EPA ID Number AKR 00000 3715 ) FINAL ORDER
)
Respondent )

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. SGS North America, Inc. ("Respondent") is the owner or operator of a facility at 200 West Potter Drive, Anchorage, Alaska 99518 ("Facility"). The EPA inspected the Facility on September 1, 2010. The EPA alleges Respondent violated the following requirements of RCRA:
a. 40 C.F.R. § 262.34 requires that certain conditions be followed to allow the on-site accumulation of hazardous waste for 270 days or less without a permit, including: containers of hazardous waste be labeled with the words "Hazardous Waste" and marked with the date when accumulation began [40 C.F.R § 262.34(d)(4) references 40 C.F.R § 262.34(a)(2) and 40 C.F.R § 262.34(a)(3)] and must be kept closed [40 C.F.R. § 262.34(d)(2) references 40 C.F.R. § 265.173(a)].
On September 1, 2010, in the 270-day accumulation area, a container of waste sulfuric acid was not labeled "Hazardous Waste" and was not marked with an accumulation start date. A container labeled hazardous waste "soils" was not marked with an accumulation start date. Two containers labeled as hazardous waste "soil waste" were not closed. Failure to properly manage a container of hazardous waste violates conditions set forth in 40 C.F.R. § 262.34.
b. 40 C.F.R. § 262.34(d)(2) references 40 C.F.R. § 265.174, which requires that areas where containers of hazardous waste are stored be inspected at least weekly. Based on inspection logs, weekly inspections of the 270-day area had not been conducted on at least 71 occasions since 2007, in violation of a condition set forth in 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 one thousand five hundred dollars (\$1,500.00) 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 send this document with original signatures and a photocopy of the check described in Paragraph 4 to the Regional Hearing Clerk at the following address:

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

Photocopies of this signed document and the check described in Paragraph 4 must also be sent to EPA Region 10 at the following address:

Kristin McNeill, 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. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.

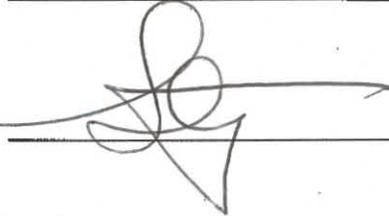
11. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

IT IS SO AGREED,

**RESPONDENT:**

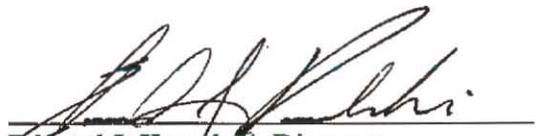
Name (print): Steven Dorny

Title (print): SVP + General Counsel

Signature: 

Date: 2/29/12

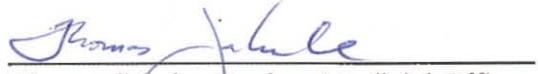
**EPA REGION 10:**



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

Date: 2/17/2012

**IT IS SO ORDERED:**



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

Date: 3/12/12

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER** in **In the Matter of: SGS North America Inc., Anchorage, Alaska, DOCKET NO.: RCRA-10-2012-0062** was filed with the Regional Hearing Clerk on March 14, 2012.

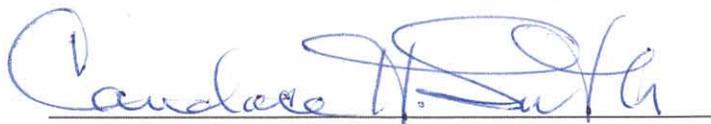
On March 14, 2012, the undersigned certifies that a true and correct copy of the document was delivered to:

Margaret B. Silver, Esquire  
Office of Regional Counsel  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, ORC-158  
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 March 14, 2012 to:

Susan Bastien  
SGS North America Inc.  
Legal Department  
201 N. Rt. 17, 7<sup>th</sup> Floor  
Rutherford, New Jersey 07070

DATED this 14<sup>th</sup> day of March 2012.



Candace H. Smith  
Acting Regional Hearing Clerk  
EPA Region 10