

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219

2016 MAY 18 AM 9:12

IN THE MATTER OF: ) Docket No.: RCRA-R7-2016-0016  
)  
)  
Crestwood, Inc. )  
EPA ID. No. KSR000016931 ) **EXPEDITED SETTLEMENT**  
Respondent. ) **AGREEMENT AND**  
) **FINAL ORDER**  
)  
\_\_\_\_\_ )

**EXPEDITED SETTLEMENT AGREEMENT**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Crestwood, Inc. (“Respondent”), owner or operator of the facility located at 601 East Water Well Road, Salina, Kansas (the “Facility”), failed to comply with the Resource Conservation and Recovery Act (“RCRA”) and the EPA approved and authorized Kansas hazardous waste management program. See KAR 28-31.262 and 28-31-265.
2. During an inspection of the Facility on May 19, 2015, the following violations of Kansas regulations were observed:
  - a. Failure to include a twenty-four (24) hour emergency response phone number on hazardous waste manifests. 40 C.F.R. § 262.20(a) as adopted by KAR 31-28-262.
  - b. Failure to label satellite accumulation containers with the words “Hazardous Waste”. 40 C.F.R. § 262.34(c)(1)(ii) as adopted by KAR 28-31-262(c)(7).
  - c. Failure to date a 5-gallon container in the UV area flammable cabinet. 40 C.F.R. § 262.34(c)(2) as adopted by reference at KAR 28-31-262.
  - d. Failure to containerize hazardous waste (spent hazardous waste rags) in the UV area flammable cabinet. 40 C.F.R. § 262.34(c)(2) as adopted by reference at KAR 28-31-262.
  - e. Failure to record the time on the weekly container inspection logs. 40 C.F.R. § 265.15(d) as adopted by reference at KAR 28-31-265.
  - f. Failure to include contingency plan implementation as part of the required training program. 40 C.F.R. § 265.16(a)(2) as adopted by reference at KAR 28-31-265.
  - g. Failure to include the hazardous waste duties in job descriptions. 40 C.F.R. § 265.16(d)(2) as adopted by reference at KAR 28-31-265.
  - h. Failure to maintain a written description of introductory training to be given to each person filling a position that requires hazardous waste management as part of the job description. 40 C.F.R. § 265.16(d)(3) as adopted by reference at KAR 28-31-265.
  - i. Failure to maintain records that document training completed by facility personnel in 2013. 40 C.F.R. § 265.16(d)(4) as adopted by reference at KAR 28-31-265.
  - j. Failure to provide immediate access to a communication device to the employee who

- works alone in the hazardous waste storage area – bunker. 40 C.F.R. § 265.34(b) as adopted by reference at KAR 28-31-265.
- k. Failure to include an updated list and location of the emergency equipment in the contingency plan. 40 C.F.R. § 265.52(e) as adopted by reference at KAR 28-31-265.
  - l. Failure to include a description of the evacuation signal in the contingency plan. 40 C.F.R. § 265.52(f) as adopted by reference at KAR 28-31-265.
  - m. Failure to comply with the container air emission standards. 40 C.F.R. Part 265 Subpart CC as adopted by reference at KAR 28-31-265.
3. EPA and Respondent agree that settlement of this matter for a penalty of Thirteen Thousand Dollars (\$13,000) is in the public interest.
  4. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA and 40 C.F.R. § 22.13(b).
  5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to Kansas hazardous waste management regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent’s conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives any right to contest any issue of fact or law set forth herein; and (6) waives its right to appeal the Final Order accompanying this Agreement.
  6. By its signature below 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) Respondent is submitting proof of payment of the civil penalty with this Agreement.
  7. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Consent Agreement and Final Order and to execute and legally bind Respondent to it.
  8. The civil penalty of Thirteen Thousand Dollars (\$13,000) shall be paid in accordance with EPA Region 7 Penalty Collection Procedures provided to the Respondent.
  9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
  10. 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.
  11. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA.
  12. Each party shall bear its own costs and fees, if any.

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

FINAL ORDER

Pursuant to the authority of Section 3008(a) and (g) of RCRA, 42 U.S.C. § 6928(a) and (g), and according to the terms of this Expedited Settlement Agreement and Final Order, IT IS HEREBY ORDERED THAT:

14. Respondent shall pay a civil penalty of Thirteen Thousand Dollars (\$13,000) within 30 days of its receipt of the letter invitation setting forth the opportunity for expedited settlement. Such payment shall identify Respondent by name and docket number and be paid in accordance with the Penalty Collection Procedures provided to Respondent.
15. A copy of the certified or cashier's check or other information confirming payment shall simultaneously be sent via certified mail to the following:  
  
Kathy Robinson  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219; and  
  
Kelley Catlin  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219.
16. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
17. This Expedited Settlement Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

IT IS SO AGREED,


GREGORY A HOLEMAN  
Name (print)

VICE PRESIDENT  
Title (print)

  
Signature

Date 4/25/2016

APPROVED BY EPA:

  
Rebecca Weber, Division Director  
Air and Waste Management Division

Date 5/3/16

  
Kelley Catlin, Attorney  
Office of Regional Counsel

Date 5/2/16

IT IS SO ORDERED. The Final Order shall become effective upon filing.

  
Karina Borromeo  
Regional Judicial Officer

Date 5-18-2016

IN THE MATTER Of Crestwood, Inc., Respondent  
Docket No. RCRA-07-2016-0016

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:


Copy emailed to Attorney for Complainant:

catlin.kelley@epa.gov

Copy by First Class Mail to Respondent:

Crestwood, Inc.  
601 East Water Well Road  
Salina, Kansas 67401

Dated: 5/18/16

  
Kathy Robinson  
Hearing Clerk, Region 7