

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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HEARINGS CLERK
EPA REGION 10

IN THE MATTER OF:) Docket No. RCRA-10-2020-0058
)
Univar Solutions USA, Inc.) EXPEDITED SETTLEMENT
Anchorage, Alaska) AGREEMENT AND
EPA ID Number AKD981765902) 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. The State of Alaska has not been authorized pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 to carry out a hazardous waste program in lieu of the Federal program. Pursuant to Section 3008(a) of RCRA, EPA may enforce the federal hazardous waste program in the State of Alaska.
3. Univar Solutions USA, Inc. (“Respondent”) is the owner or operator of a facility at 590 East 100th Avenue, Anchorage, Alaska (“Facility”). The EPA inspected the Facility on July 23, 2019. The EPA alleges Respondent violated the following requirements of RCRA:
 - a. The regulations at 40 C.F.R. § 262.16 allow small quantity generators of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The conditions at 40 C.F.R. § 262.16(b)(6)(i)(A) and (B) require that the small quantity generator mark or label the hazardous waste containers with the words “Hazardous Waste” and an indication of the hazards of the contents, respectively. On July 23, 2019, two 55-gallon containers of hazardous waste caustic rags and personal protective equipment in the facility tank farm area were not marked or labeled with the words “Hazardous Waste” or an indication of the hazards of the contents, in violation of the conditions set forth in 40 C.F.R. § 262.16(b)(6)(i)(A) and (B).
 - b. The regulations at 40 C.F.R. § 262.16 allow small quantity generators of hazardous waste to accumulate hazardous waste in containers without a permit provided that they meet certain conditions. The condition at 40 C.F.R. § 262.16(b)(2)(iv) requires that, at least weekly, the generator must inspect hazardous waste central accumulation areas, looking for leaking containers and deterioration of containers. Respondent generated hazardous waste during 2018 but did not conduct any weekly inspections of hazardous waste central accumulation areas during 2018, in violation of the condition set forth in 40 C.F.R. § 262.16(b)(2)(iv).

- c. 40 C.F.R. § 262.40(a) requires generators of hazardous waste must retain as a record for at least three years a signed copy of each manifest received from the designated facility which received the waste. On July 23, 2019, Respondent did not have a signed copy of manifest 017859854JJK received from the designated facility, in violation of 40 C.F.R. § 262.40(a).
 - d. 40 C.F.R. § 273.14 requires that small quantity handlers of universal waste must label or mark the universal waste to identify the universal waste as specified. 40 C.F.R. § 273.14(a) requires that universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." 40 C.F.R. § 273.14(e) requires that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." On July 23, 2019, Respondent had one container of universal waste batteries that was not labeled "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," in violation of 40 C.F.R. § 273.14(a). On July 23, 2019, Respondent had one container of universal waste lamps that was not labeled "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)," in violation of 40 C.F.R. § 273.14(e).
4. In determining the amount of penalty to be assessed, EPA has taken into account the factors specified in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). After considering these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is \$4,000. The attached Penalty Calculation Worksheet is incorporated by reference.
 5. 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.
 6. Each party shall bear its own costs and fees, if any.
 7. 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.
 8. 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.
 9. Upon the effective date of this Agreement, payment of the civil penalty shall constitute full settlement of the civil claims alleged herein.
 10. 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:

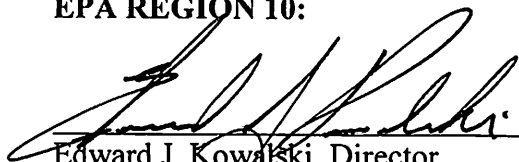
Name (print): Ryan Barker

Title (print): Regional Regulatory Manager

Signature: 

Date: 2/18/2020


EPA REGION 10:



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

Date: 1/29/2020

IT IS SO ORDERED:



Richard Mednick, Regional Judicial Officer
U.S. Environmental Protection Agency, Region 10

Date: 2/25/20

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED SETTLEMENT AGREEMENT** in **In the Matter of: Univar Solutions USA, Inc., Anchorage, Alaska, DOCKET NO.: RCRA-10-2020-0058** was filed with the Regional Hearing Clerk.


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

Jennifer Parker
U. S. Environmental Protection Agency, Region 10
Land Enforcement Section
1200 Sixth Avenue, Suite 155, M/S: 20-CO4
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:

Ryan Barker
Regional Regulatory Manager
Univar Solutions USA, Inc.
3075 Highland Parkway, Suite 200
Downers Grove, Illinois 60515

DATED this 27 day of February, 2020.



Teresa Young
Regional Hearing Clerk
EPA Region 10