

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

Docket No. RCRA-10-2025-0068

Walmart Supercenter #4359

7405 Debarr Road

Anchorage, Alaska 99504

EPA ID No. AKR000205179

EXPEDITED SETTLEMENT
AGREEMENT AND

Respondent

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"), 42 U.S.C. § 6928, 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, the EPA may enforce the federal hazardous waste program in the State of Alaska.
3. Walmart Inc. ("Respondent") is the owner or operator of the facility at 7405 Debarr Road, Anchorage, AK 99504 ("Facility"). The EPA alleges that Respondent violated the following requirements of RCRA:
 - a. 40 C.F.R. § 262.11 requires persons who generate a solid waste as defined at 40 CFR § 261.2 to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are promptly managed according to applicable RCRA regulations. Further, at 40 C.F.R. § 262.11(a), the regulations require the hazardous waste determination for each solid waste be made at the point of waste generation.

At the time of the inspection, in the on-site central accumulation area, the inspector observed a nearly full five-gallon bucket without any labels or markings. When the inspector asked the site contact about the contents of the bucket, the contact replied he did not know what was in the bucket or how long they had been accumulating the waste.

Failing to accurately determine if a solid waste, including abandoned materials or materials stored in lieu of being abandoned, is also a hazardous waste at the point of waste generation constitutes a violation of the regulations found at 40 C.F.R. § 262.11(a).

- b. Section 3005 of RCRA, 42 U.S.C. § 6925, requires that anyone who treats, stores or disposes of hazardous waste must have a permit or interim status. Similarly, 40 C.F.R. § 270.1 prohibits any person from storing, treating or disposing of hazardous waste without a permit or interim status. A small quantity generator of hazardous waste (SQG) may only accumulate hazardous waste on site without a permit or interim status if it satisfies all conditions for exemption from a RCRA hazardous waste permit in 40 C.F.R. § 262.16.

40 C.F.R. § 262.16(b)(6)(i)(B) states that small quantity generators (SQG) must mark or label its hazardous waste containers with an indication of the hazards of the contents. At the time of inspection, in the central accumulation area, the inspector observed one approximately 35-gallon drum labeled as hazardous waste. The drum lacked a label or marking indicating the hazard specific to the hazardous waste in the container.

Failing to mark or label containers of hazardous waste with an indication of the hazards of the contents constitutes a violation of 40 C.F.R. § 262.16(b)(6)(i)(B).

- c. 40 C.F.R. §§262.10(a)(1)(ii)(D), and by reference § 262.42(b)(1), require that a small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

During a review of the facility's manifests both on-site, and online in eManifest and RCRAInfo, the inspector noted these fourteen manifests were received 60 days after the facility shipped them:

Manifest #	Ship Date	Received Date	# of Days
013107567FLE	12/10/2020	4/24/2021	135
015840951FLE	9/13/2021	1/24/2022	133
200024910CLE	12/9/2021	2/22/2022	75
012698214FLE	1/14/2022	4/20/2022	96
012698213FLE	1/14/2022	4/20/2022	96
012698212FLE	1/14/2022	4/20/2022	96
012706408FLE	1/14/2022	4/20/2022	96
012698211FLE	1/16/2022	4/20/2022	94
008415397FLE	3/11/2022	7/8/2022	119
012706437FLE	3/11/2022	7/1/2022	112
2005986870CLE	10/10/2023	3/28/2024	170
200625044CLE	11/9/2023	1/24/2024	76
200648293CLE	12/6/2023	4/24/2024	140
200648316CLE	12/6/2023	3/28/2024	113

A facility representative verbally stated to me they did not submit exception reports for these manifests. This constitutes violations of 40 C.F.R. §§262.10(a)(1)(ii)(D), and by reference § 262.42(b).

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 \$20,000. The attached Penalty Calculation Worksheet is incorporated by reference.
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing 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 the opportunity for a hearing to contest any issue of fact or law set forth herein; (6) waives its right to appeal the Final Order accompanying this Agreement pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (7) consents to electronic service of the filed ESA.
6. Within 30 days of the effective date of this Agreement, Respondent shall pay a civil penalty of \$20,000 for the RCRA violations identified in this Agreement. Payments under this Agreement may be made by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <https://www.epa.gov/financial/makepayment> Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197-9000

Respondent must note on the check the title and docket number of this action.

7. Concurrent with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 6 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 10
R10_RHC@epa.gov

Kyle Masters
U.S. Environmental Protection Agency
Region 10
Masters.Kyle@epa.gov

8. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this Agreement and Final Order and to execute and legally bind Respondent to it.

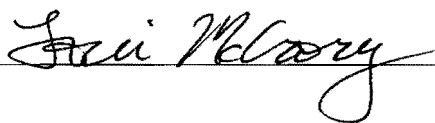
9. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
10. Each party shall bear its own costs and fees, if any.
11. This Agreement and Final Order shall constitute full settlement of the civil claims alleged herein.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state or local income tax purposes.
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 of the Final Order with the Regional Hearing Clerk for the EPA, Region 10.

IT IS SO AGREED,

RESPONDENT:

Name (print): Toni McCrory

Title (print): Group Director Environmental Compliance

Signature: 

Date: 5.19.2025

EPA REGION 10:

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

Date: _____

FINAL ORDER

I hereby ratify the Expedited Settlement Agreement and incorporate it by reference. This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall be effective immediately upon filing with the Regional Hearing Clerk for the EPA, Region 10. Such filing will conclude this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED,

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

Date: _____

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Walmart Supercenter #4359 located in Anchorage, Alaska, Docket No.: RCRA-10-2025-0068, 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 via electronic mail to:

Kyle Masters
U.S. Environmental Protection Agency
Region 10
Masters.Kyle@epa.gov

Mr. Eric Blodgett
Store Lead
Walmart Supercenter #4359
7405 Debarr Road
Anchorage, Alaska 99504
emblodg.s04359.us@wal-mart.com

DATED this _____ day of _____, 2025.

Salee Porter, Regional Hearing Clerk
EPA Region 10