

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)

The Washington University)

One Brookings Drive,)

Campus Box 1036)

St. Louis, MO 63130)

Danforth Campus)

RCRA ID: MOD068552207)

AND)

School of Medicine Campus)

RCRA ID: MOT300010857)

Respondent.)

Proceeding under Section 3008(a) and (g) of)

the Resource Conservation and Recovery)

Act as amended, 42 U.S.C. § 6928(a) and (g))

CONSENT AGREEMENT
AND FINAL ORDER

Docket No. RCRA-07-2010-0018

The United States Environmental Protection Agency (EPA), Region 7 (Complainant) and Washington University, (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 Code of Federal Regulations (C.F.R.) §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

This administrative action is being conducted pursuant to Sections 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA or the Act), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. § 6928(a) and (g), and in accordance with the Consolidated Rules of Practice.

1. This Consent Agreement and Final Order (CA/FO) serves as notice that the EPA has reason to believe that Respondent violated Section 3005 of RCRA, 42 U.S.C. § 6925.

Parties

2. The Complainant is the Chief of the RCRA Waste Enforcement and Materials Management Branch in the Air and Waste Management Division of the EPA, Region 7, as duly delegated from the Administrator of the EPA.

3. The Respondent is The Washington University, a not for profit corporation which was originally established by a special act of the Missouri General Assembly in 1853. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

Statutory and Regulatory Framework

4. The State of Missouri has been granted authorization to administer and enforce a hazardous waste program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926. The State of Missouri has adopted by reference the federal regulations cited herein at pertinent parts in the Missouri Code of State Regulations (C.S.R.) in Title 10, Division 25. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes EPA to enforce the provisions of the authorized State program and the regulations promulgated thereunder. When the EPA determines that any person has violated or is in violation of any RCRA requirement, EPA may issue an order assessing a civil penalty for any past or current violation and/or require immediate compliance or compliance within a specified time period pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. In the case of a violation of any RCRA requirement, where such violation occurs in a state which is authorized to implement a hazardous waste program pursuant to Section 3006 of RCRA, EPA shall give notice to the state in which such violation has occurred or is occurring prior to issuing an order. The State of Missouri has been notified of this action in accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

5. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of not more than \$25,000 per day for violations of Subchapter III of RCRA (Hazardous Waste Management). This figure has been adjusted upward for inflation pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, so that penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004 though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

General Factual Allegations

6. Respondent owns and operates two facilities: the Danforth Campus, located at One Brookings Drive, St. Louis, Missouri (Danforth Facility) and the School of Medicine, located at 660 S. Euclid Avenue, St. Louis, Missouri (Medical School Facility). Respondent is an independent research and teaching institution. According to Respondent's website, it

currently employs approximately 13,000 faculty and staff, ten of which are full time environmental professionals employed for hazardous waste management for both Facilities. Also, according to its website, Respondent has a total student enrollment of more than 13,000, which includes both full time and part time students.

7. As part of its operations, Respondent generates enough hazardous waste each year at each facility for each facility to be classified as a Large Quantity Generator (LQG) pursuant to 10 C.S.R. 25-5.262.

8. The regulations for determining whether a waste is a solid and/or hazardous waste are set forth at 10 C.S.R. 25-4.261, which incorporate by reference the regulations at 40 C.F.R. Part 261.

9. Respondent has been assigned a RCRA facility identification number of MOD068552207 for the Danforth Facility and MOT300010857 for the Medical School Facility.

10. On or about April 8, 2008, an EPA representative conducted a Compliance Evaluation Inspection at Respondent's Danforth Facility at One Brookings Drive, St. Louis Missouri and on or about April 28, 2008 EPA representative conducted a Compliance Evaluation Inspection at Respondent's Medical School Facility at 660 S. Euclid Avenue, St. Louis Missouri (hereinafter "the EPA inspection").

11. At the time of the EPA Inspections, Respondent was operating each as a LQG of hazardous wastes, pursuant to 10 Mo C.S.R. 25-5.262.

Violations

12. Complainant hereby states and alleges that Respondent has violated RCRA and federal and state regulations promulgated there under, as follows:

Count 1

FAILURE TO MAKE A HAZARDOUS WASTE DETERMINATION

The allegations stated in paragraphs 1 through 12 are re-alleged and incorporated as if fully set forth herein.

Failure to Make a Hazardous Waste Determination

13. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 262.11 requires that a person who generates a solid waste must determine if that waste is a hazardous waste.

14. At the time of the EPA inspection it was determined that the Respondent failed to make a hazardous waste determination of the following solid waste streams at the facilities:

Location	Waste	Amount of Waste
Danforth Facility		
Facilities Building Utilities Shop	Spent Solvent Rags (HD Degreaser)	Unknown - No container
Blue Zone Maintenance Shop in Elliot Hall	Spent Solvent Rags (CRC Solvent)	Unknown - No container
McMillen Laboratory Room 506	Rhodium	One 4-liter container, two 1- quart containers, one 2-quart container, and one 2,000-ml container
McMillen Laboratory Room 506	Iridium	Five 4-liter containers, one 1- quart container, and one 2,000-ml container
McMillen Laboratory Room 506	Platinum	One 1-quart container of Platinum.
McMillen Laboratory Room 506	Ruthenium	One 1-quart container
McMillen Laboratory Room 506	Mixed Metals	One 4-liter container
Medical School Facility		
HMMB First Floor	Aqueous Solution containing Silver Nitrate and Uranyl Nitrate	One 1-gallon container
CSRB Room 4422	Ethyl Propionate	One container (50-g)
CSRB Room 4422	Triethyl Phosphate	One container (100-ml)
CSRB Room 4422	Ethyl Trifluoroacetate	Two containers (25-g, 50-g)
CSRB Room 4422	Butyl Acetate	One container (500-ml)
CSRB Room 4422	Xylenes	One container (250-ml)
CSRB Room 4422	Tetrahydrofuran	Two 1-liter containers
CSRB Room 4422	1,2-dichloroethane	One container (100-ml)
CSRB Room 4422	Pentadecylmagnesium Bromide, Ethereal	Five containers (5 x 50-ml)
CSRB Room 4422	Methylmagnesium Bromide, Ethereal	Two containers (2 x 50-ml)
CSRB Room 4422	Hydrochloric Acid	Two containers (2 x 50-ml)
CSRB Room 4422	Phosphoric Acid	One container (500-ml)
CSRB Room 4422	Nitric Acid	One container (25-ml)
CSRB Room 4422	Potassium Hydride	One container (100-g)
CSRB Room 4420	Spent Silica Gel	One 1-gallon container
CSRB Room 8867	Ready Flow III	Two 1-gallon containers
CSRB Room 8867	Flo-Scint II	One 1-gallon container
CSRB Room 8834	Waste Xylene	One 4-liter container
CSRB Room 8834	Waste Formaldehyde	One 4-liter container
CSRB Room 8834	Spyro Stain Waste	One 4-liter container
CSRB Room 8834	Silver Nitrate	One container (500-ml)
CSRB Room 8834	Methanol Waste	One 4-liter container

CSRB Room 10041	Sulfuric Acid	One 60-ml container
CSRB Room 10041	Acetonitrile + Formic Acid	One 60-ml container
CSRB Room 10041	Acetonitrile Solution	One <1-liter container
CSRB Room 10041	Trifluoroacetic Acid Solution	One <1-liter container
CSRB Room 10041	Buffered Methanol Solution	One 5-gallon container
CSRB Room 10041	Vinylpyridines	Two 10-ml containers
CSRB Room 10041	Sequiblot PVDF Stain	One 700-ml and one 100-ml container
CSRB Room 10041	Tetramethylethylene Diamine	One <1-liter container
McDonnel Room 562	Ferric Cyanide	One 50-ml container
McDonnel Room 562	Ferro Cyanide	One 50-ml container
McDonnel Room 562	Mixed Chemicals	One 4-liter container

Count 2

**OPERATING AS A TREATMENT, STORAGE, OR DISPOSAL FACILITY
WITHOUT A RCRA PERMIT OR RCRA INTERIM STATUS**

15. The allegations stated in paragraphs 1 through 14 are realleged and incorporated as if fully set forth herein.

16. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.390.1(1), and the regulations at 10 C.S.R. 25-7.270 incorporating by reference 40 C.F.R. § 270.1(b), require each person owning or operating a facility for the treatment, storage, or disposal of a hazardous waste identified or listed under Subchapter C of RCRA to have a permit for such activities.

17. At the time of the EPA inspection Respondent did not have a permit or interim status for either the Danforth Facility or the Medical School Facility.

18. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(a), allow a generator to accumulate hazardous waste in containers on-site for up to ninety days without a permit or without interim status, provided the conditions listed in 40 C.F.R. § 262.34(a)(1)-(4) are met. These conditions include compliance with other hazardous waste regulatory requirements.

19. At the time of the inspection, Respondent was not complying with various hazardous waste regulatory requirements, described below. Therefore, Respondent did not meet the exception to the regulation that allows generators to store hazardous waste at their facility for up to ninety (90) days without a permit or interim status so long as they meet hazardous waste regulatory requirements.

Failure to Comply with Generator Requirements
Storage Container Accumulation Time

20. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(a) state that a generator may accumulate hazardous waste on-site for up to ninety (90) days or less without a permit or without having interim status if specific requirements are met. At the time of the EPA inspections the following accumulation containers were identified as being generated and stored on-site for more than ninety (90) days.

Location	Waste	Amount of Waste	Date of Waste
Danforth Facility			
McMillen Laboratory Room 506	Rhodium	One 4-liter container	2/13/06
McMillen Laboratory Room 506	Rhodium	Two 1-quart containers	12/8/05, 2/1/05
McMillen Laboratory Room 506	Rhodium	One 2-quart container	6/15/05
McMillen Laboratory Room 506	Rhodium	One 2,000-ml container	5/5/05
McMillen Laboratory Room 506	Iridium	Five 4-liter containers	12/20/06, 3/17/06, 10/31/05, 9/21/05, 1/25/05
McMillen Laboratory Room 506	Iridium	One 1-quart container	8/1/05
McMillen Laboratory Room 506	Iridium	One 2,000-ml container	5/17/05
McMillen Laboratory Room 506	Platinum	One 1-quart container of Platinum.	12/8/06
McMillen Laboratory Room 506	Ruthenium	One 1-quart container	12/8/06
McMillen Laboratory Room 506	Mixed Metals	One 4-liter container	11/22/06
Medical School Facility			
CSRB Room 8834	Waste Xylene	One 4-liter container	5/17/06
CSRB Room 8834	Sypro Stain Waste	One 4-liter container	6/7/04
CSRB Room 8834	Silver Nitrate	One 500-ml container	8/06
CSRB Room 7762	Paraformaldehyde/Formalin Waste	One 4-liter container	12/1/06
Cancer Research Room 4624	Scintillation Vials	One 5-gallon container	7/17/02

21. Each of the above listed accumulation containers was stored for more than ninety (90) days, as of the date of the EPA inspection, in violation of 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 262.34(a).

22. The regulations at 10 C.S.R. 25-5.262(1), which incorporate by reference 40 C.F.R. § 262.34(b) state that any generator who accumulates hazardous waste for more than ninety (90) days is an operator of a storage facility and must comply with 40 C.F.R. §§ 264, 265 and the permit requirements of 270. These regulations require a generator to have either interim status or a permit in order to treat, store or dispose of hazardous waste at a facility. As previously stated, at the time of the inspections, Respondents did not have permits or interim status for either of its facilities.

Satellite Storage Accumulation Time

23. Missouri regulation 10 C.S.R. 25-5.262(3), requires generators to remove accumulated waste within one (1) year from the date satellite storage begins, irrespective of the quantity of hazardous waste in the satellite storage area. Missouri regulation 10 C.S.R. 25-5.262(3), also requires that once the one (1) year period is reached the accumulated waste must be transferred to the ninety (90) day storage area.

24. At the time of the EPA inspection of the Medical School Facility it was documented that each of the containers listed below were stored as satellite storage containers at the Medical School Facility for longer than one (1) year without being transferred to the ninety (90) day storage area in violation of 10 C.S.R. 25-5.262(3) and 40 C.F.R. § 262.34(b)(2).

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Date of Waste</u>
<u>Medical School Facility</u>			
HMMB First Floor	Aqueous Solution containing Silver Nitrate and Uranyl Nitrate	One 1-gallon container	4/3/07
CSRB Room 8834	Formaldehyde	One 4-liter container	1/30/07
McDonnell Room 562	Ferric cyanide	One 50-ml container	2/12/07
McDonnell Room 562	Ferro cyanide	One 50-ml container	2/12/07
CSRB Room 4422	HPLC Waste Solvent	One 4-liter container	4/4/07
CSRB Room 4420	Acetone, Hexane, Ether, THF, and Methanol Waste	One 5-gallon container	3/5/07
CSRB Room 7758	Peptide Cleavage Used Chemical	One 1-liter container	4/16/07

Accumulation containers not moved to storage within three days

25. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. §§ 262.34(c)(1)&(2) require that full satellite accumulation containers be taken to storage within three days of filling or the facility is required to obtain a permit or interim status.

26. At the time of the EPA inspections it was documented that the following satellite accumulation containers were not taken to storage within three days of filling:

<u>Location</u>	<u>Waste</u>	<u>Amount of Waste</u>	<u>Date of Waste</u>
Danforth Facility			
McMillen Laboratory Rooms 406, 408, and 410	Hazardous Waste	Eight full containers	1/22/08, 3/17/08, 3/23/08, 3/24/08, 3/26/08, 4/2/08, 4/5/08, 4/1/08
Medical School Facility			
CSRB Room 4422	HPLC Waste Solvent	One full 20-gallon container	12/10/07
CSRB Room 7745	Used Symphony Chemicals	One full 5-gallon container	4/11/08
CSRB Room 7758	Peptide Cleavage Used Chemical	Two full 1-liter containers	4/16/07, 11/26/07

27. At the time of the EPA inspection the Respondent failed to transfer 12 different containers from six different locations from their satellite accumulation location to the proper storage area within the required three day time period in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. §§ 262.34(c)(1)&(2).

Ignitable wastes stored within 50 feet of property

28. The regulations at 10 C.S.R. 25-5.262(2)(C)6, 10 C.S.R. 25-7.265(2)(I) 7 & 8, and by incorporation 40 C.F.R. § 265.176, require that ignitable hazardous wastes be stored at least 50 feet from the property line.

29. At the time of the EPA inspection of the Medical School Facility, it was documented that on the fourth floor of the Hazardous Material Management Building (HMMB) approximately 13 drums of ignitable hazardous wastes were being stored less than 50 feet from the property line. This included drums which contained both bulk and lab pack flammables and oxidizers.

30. At the time of the EPA inspection of the Medical School Facility it was documented that on the first floor of the HMMB flammable mixed waste was being stored less than 50 feet from the property line. This included four (4) mixed waste drums of which one (1) contained bulk flammables and three (3) contained flammable scintillation vials.

31. Respondent's failure to store ignitable wastes at least 50 feet from its property line is a violation of 10 C.S.R. 25-5.262(2)(C)6, 10 C.S.R. 25-7.265(2)(I) 7 & 8, and by incorporation 40 C.F.R. § 265.176.

Inadequate aisle space

32. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.35 require that the owner or operator maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

33. At the time of the EPA inspection of the Medical School Facility, mixed waste drums were being stored with inadequate aisle space.

34. The Respondent violated both 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 265.35, when it failed to provide adequate aisle space in and around its containers.

Failure to label storage containers

35. The regulations at 10 C.S.R. 25-5.262(1)& (2)(c)1 and by incorporation 40 C.F.R. §§ 262.34(a)(2) & (3) require that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container and be labeled with the words "Hazardous Waste."

36. At the time of the EPA inspection in the Environmental Management Facility of the Danforth Facility, it was documented that four (4) containers of D001 hazardous waste located in the refrigerator with their original product labels, were not labeled as "Hazardous Waste", were not labeled per DOT requirements and were improperly dated.

37. Respondent violated 10 C.S.R. 25-5.262(1) & (2)(c)1 and by incorporation 40 C.F.R. §§ 262.34(a)(2) & (3) by not properly labeling or dating the four (4) containers at the Danforth Facility.

Unlabeled and undated/incorrectly dated satellite accumulation containers

38. The regulations at 10 C.S.R. 25-5.262(1)&(2)(C)3, and by incorporation 40 C.F.R. §§ 262.34(a)(2) & (3), require that satellite accumulation containers be labeled with the words "Hazardous Waste" or with words that identify the contents of the containers and the beginning date of satellite storage.

39. At the time of the EPA inspection it was documented that both of the facilities had the following satellite accumulation containers improperly labeled and/or dated:

Location	Waste	Amount of Waste	Violation
Danforth Facility			
Paint Shop	Spent Rags	Two containers	Not labeled or dated
Carpenter Shop	Spent Rags	One container	Not labeled or dated
Carpenter Shop	Paint Thinner	One 1-gallon container	Not dated
McMillen Laboratory Room 504	Chemwipes	Two 1-quart containers	Not labeled or dated
Medical School Facility			
CSRB Room 4422	HPLC Waste	One 1-liter container	Incorrectly dated
CSRB Room 7745	Used Symphony Chemicals	One 5-gallon container	Not dated
McDonnell Room 558	Organic Waste/Formalin	One 4-liter container	Incorrectly dated
Cancer Research Room 5115	Tris Glycine Methanol Waste	One 5-gallon container	Not dated

40. Respondent violated 10 C.S.R. 25-5.262(1)&(2)(C)3, and by incorporation 40 C.F.R. §§ 262.34(a)(2) & (3), when it failed to label, date or accurately date its satellite accumulation containers at each of the facilities.

Contingency Plan

41. The regulations at 10 C.S.R. 25-2.262(1) and by incorporation 40 C.F.R. § 265.52(c) require that the contingency plan describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

42. The regulations at 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.52(d) require that the contingency plan must list names, address, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date.

43. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. § 265.52(e), require that the contingency plan includes a list of all emergency equipment at a facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

44. At the time of the EPA inspection, the Contingency Plan for the Danforth Facility failed to include the specific location of all the emergency equipment listed in the plan in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.52(e).

45. At the time of the EPA inspection, the Contingency Plan for the Medical School Facility failed to provide updated addresses for two emergency coordinators in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.52(d).

46. At the time of the EPA inspection, the Contingency Plan for the Medical School Facility failed to provide the location or capabilities of all the emergency equipment listed in its Contingency Plan in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.52(e).

Training Plan

47. The regulations at 10 C.S.R. 25-5.262(1), and by incorporation 40 C.F.R. §§ 265.16(d)(3)&(4), require Respondent maintain a written description of the type and amount of both introductory and continuing training being provided to any/all person(s) filling a position related to hazardous waste management and maintain records that document that the proper training or job experience required has been given to, and completed by, facility personnel.

48. At the time of the EPA inspection of the Danforth Facility, Respondent could not access its electronically stored documentation describing the specific training required and that the appropriate training had been received for each employee at the facility in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.16(d)(4).

49. At the time of the EPA inspection of the Medical School Facility, Respondent was unable to provide evidence that it maintained the appropriate documents describing two employees' introductory and continuing training at the Facility in violation of 10 C.S.R. 25-5.262(1) and by incorporation 40 C.F.R. § 265.16(d)(3).

Count 3

FAILURE TO COMPLY WITH UNIVERSAL WASTE LAMP REQUIREMENTS

50. 10 C.S.R. 25-16.273(1)(A) defines "Universal Waste" to include "lamps as described in 40 C.F.R. §273.5." At the time of the inspections, each facility had lamps that met this definition.

51. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.370, and the regulations at 10 C.S.R. 25-16.273(1), incorporating by reference 40 C.F.R. § 273.35(a), require that a large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

52. Section 3005 of RCRA, 42 U.S.C. § 6925, R.S.Mo. 260.370, and the regulations at 10 C.S.R. 25-16.273(1), incorporating by reference 40 C.F.R. §§§§ 273.34(e), 273.14(e), 273.15(c) and 273.13(d), requires that each lamp or container 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)," must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste, and are managed in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Universal Waste Lamps Stored Greater Than One Year

53. At the time of the EPA inspection of the Medical School Facility, it was documented that Respondent had a container with a spent mercury lamp which was dated "7/15/2006." (original paragraph 54 deleted)

54. Respondent's accumulation of waste for greater than one year is a violation of 10 C.S.R. 25-16.273(1) and, through incorporation, 40 C.F.R. § 273.35(a).

Universal Waste Lamp Containers Incorrectly or Not Labeled, Not Dated or Open

55. At the time of the EPA inspection it was documented that the Danforth Facility had two locations where numerous containers of spent fluorescent lamps were not closed or labeled and, in one instance, was also not dated in violation of 10 C.S.R. 25-16.273(1) and, through incorporation, 40 C.F.R. §§§§ 273.34(e), 273.14(e), 273.15(c) and 273.13(d).

56. At the time of the EPA inspection it was documented that the Medical School Facility had a container of spent mercury lamps mislabeled in violation of 10 C.S.R. 25-16.273(1) and through incorporation 40 C.F.R. §§§§ 273.34(e), 273.14(e), 273.15(c) and 273.13(d).

Count 4

LAND DISPOSAL RESTRICTIONS

57. Section 3005 of RCRA, 42 U.S.C. § 6925, and the regulations at 10 C.S.R. 25-7.268(1), incorporating by reference 40 C.F.R. § 268.7(a)(7), require that if a generator determines that it is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle regulation under 40 C.F.R. §§ 261.2 - 261.6 subsequent to the point of generation, it must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility's on-site files.

58. At the time of the EPA inspection of each of the facilities, it was documented that Respondent had failed to provide a one-time LDR notice with the required description for neutralization of D002 hazardous waste in violation of 10 C.S.R. 25-7.268(1) and by incorporation 40 C.F.R. § 268.7(a)(7).

III. CONSENT AGREEMENT

59. Respondent and EPA agree to the terms of this CAFO. This CAFO and its Attachments shall constitute the complete agreement between the parties respecting the subject matter hereof.

60. Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of this CAFO.

61. Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this CAFO.

62. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above, and its right to appeal the proposed Final Order portion of this CAFO.

63. Respondent and Complainant agree to conciliate the matters set forth in this CAFO without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

64. This CAFO addresses and resolves all civil claims for the RCRA violations and facts alleged above. Complainant reserves the right to take any enforcement action with respect to any other violations of RCRA or any other applicable law.

65. Nothing contained in this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

66. Respondent certifies that, to the best of its knowledge, Respondent's two facilities, which are the subject of this CAFO, are in compliance with RCRA, 42 U.S.C. 6901 et seq. and all regulations promulgated thereunder, except that such certification does not include the regulations listed in paragraph 6 of the Final Order. Respondent further certifies that no later than 180 days after the effective date of this CAFO, Respondent will have completed the actions required under paragraph 6 of the Final Order.

67. The effect of settlement is conditioned upon the completion of the requirements of this CAFO as specified in paragraph 5 of the Final Order.

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

Supplemental Environmental Project (SEP)

69. Respondent agrees that, in settlement of the claims alleged in this CAFO, Respondent shall pay a mitigated civil penalty of Fifteen Thousand Dollars (\$15,000), as set forth in Paragraph 1 of the Final Order below, and shall perform a Supplemental Environmental Project ("SEP") as set forth in this CAFO. The projected cost of the SEP is Forty-Five Thousand Dollars (\$45,000).

70. The penalty specified in the paragraph above shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

71. In response to the violations of RCRA alleged in this CAFO and in settlement of this matter, although not required by RCRA or any other federal, state, or local law, Respondent shall complete the SEP described in this CAFO, which the parties agree is intended to secure significant environmental or public health protection and improvement.

72. Respondent shall complete the following SEP: a "Clean Out" of school laboratories within the St. Louis, Missouri Public School District (the District). Respondent will assist the District in the one-time removal, transportation and disposal of hazardous wastes currently located in several of the District's educational facilities and will provide those facilities with outreach and education about hazardous waste management. This SEP shall be performed in accordance with the requirements of this CAFO and the SEP Work Plan that is attached to this document and incorporated by reference.

73. Within nine (9) months of the effective date of this CAFO, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall conform to the requirements of this CAFO and shall contain the following information:

- a. A detailed description of the SEPs as implemented, including itemized costs;
- b. A description of any problems encountered in implementation of the projects and the solution thereto;
- c. A description of the specific environmental and/or public health benefits resulting from implementation of the SEP; and

d. Certification that the SEP has been fully implemented pursuant to the provisions of this CAFO.

74. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all SEP costs. For purposes of this Paragraph, "acceptable documentation" includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Cancelled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

75. The SEP Completion Report shall include the statement of Respondent, through an officer, signed and certifying under penalty of law the following:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

76. The SEP Completion Report shall be submitted on or before the due date specified in Paragraph 73 to:

Nicole Cruise, AWMD
Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, Kansas 66101.

77. Any public statement, oral or written, in print, film, internet, or other media, made by Respondent making reference to the SEP shall include the following language:

This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Resource Conservation and Recovery Act. 42 U.S.C. § 6901 *et. seq.*

78. Respondent hereby certifies that, as of the date of this CAFO, Respondent is not required to perform or develop the SEP described in this CAFO by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by any other agreement, grant or as injunctive relief in this or any other case. Respondent further certifies

that it has not received, and is not presently negotiating to receive credit in any other enforcement action for the SEP.

79. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEPs.

80. Respondent agrees to the payment of stipulated penalties as follows:

a. In the event Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in this CAFO, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(1) Except as provided in Subparagraph b. immediately below, if the SEP is not completed satisfactorily and timely pursuant to the requirements set forth in this CAFO, Respondent shall be liable for and shall pay a stipulated penalty to the United States in the amount of Forty Thousand Dollars (\$40,000).

(2) If the SEP is satisfactorily completed, but the Respondent spent less than Forty Thousand Five Hundred Dollars (\$40,500) on the SEP, Respondent shall pay a stipulated penalty to the United States in the amount of Fifteen Thousand Dollars (\$15,000).

b. If the SEP identified in this CAFO is not completed satisfactorily, but EPA determines that Respondent: (1) has made good faith and timely efforts to complete the SEPs; and (2) has certified, with supporting documentation, that Respondent spent at least Forty Thousand Five Hundred Dollars (\$40,500) on the SEP, Respondent shall not be liable for payment of a stipulated penalty.

c. If the SEP is satisfactorily completed in accordance with the CAFO, but EPA determines that the Respondent has spent at least Forty Thousand Five Hundred Dollars (\$40,500) on the SEP, Respondent shall not be liable for any stipulated penalty.

d. If Respondent fails to timely and completely submit the SEP Completion Report required by this CAFO, Respondent shall be liable for and shall pay a stipulated penalty in the amount of One Hundred Dollars (\$100.00) for each day after the due date until a complete report is submitted.

e. EPA shall determine whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP.

f. Stipulated penalties shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the SEP or other resolution under this CAFO.

g. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions set forth in Paragraph 2 of the Final Order portion of this CAFO, below.

81. **Late Payment Provisions:** Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the date required. Interest will be assessed at a rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the costs of debt collection including processing and handling costs and attorneys fees. In addition, a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 31 C.F.R. §§ 901.9(c) and (d).

82. Respondent understands that failure to pay any portion of the civil penalty on the date the same is due may result in the commencement of a civil action in Federal District Court to collect said penalty, along with interest thereon at the applicable statutory rate.

Effective Date

83. This CAFO shall be effective upon entry of the Final Order by the Regional Judicial Officer for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Reservation of Rights

84. Except as expressly provided in this CAFO, EPA reserves the right to enforce the terms of the Final Order portion of this CAFO by initiating a judicial or administrative action under Section 3008 of RCRA, 42 U.S.C. § 6928, and to seek penalties against Respondent in an amount not to exceed Thirty-two Thousand Five Hundred Dollars (\$32,500) per day per violation pursuant to Section 3008(c) and/or Section 3008(g) of RCRA, for each day of non-

compliance with the terms of the Final Order, or to seek any other remedy allowed by law. Pursuant to the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, penalties of up to \$32,500 per day are now authorized for violations of Subchapter III of RCRA that occur after March 15, 2004, though January 12, 2009. For violations of Subchapter III of RCRA that occur after January 12, 2009, penalties of up to \$37,500 per day are now authorized.

85. Subject to paragraph 65, Complainant reserves the right to take enforcement action against Respondent for any future violations of RCRA and its implementing regulations and to enforce the terms and conditions of this CA/FO.

86. Except as expressly provided herein, nothing in this CA/FO shall constitute or be construed as a release from any claim (civil or criminal), cause of action, or demand in law or equity by or against any person, firm, partnership, entity, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from Respondent's facility.

87. Notwithstanding any other provisions of the CA/FO, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority, should EPA find that the future handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at Respondent's facility may present an imminent and substantial endangerment to human health and the environment.

88. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

89. The provisions of this CA/FO shall be deemed satisfied upon a written determination by Complainant that Respondent has fully implemented the actions required in the Final Order.

FINAL ORDER

Pursuant to the authority of Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and according to the terms of this CA/FO, IT IS HEREBY ORDERED THAT:

A. Payment of Civil Penalty

1. Within thirty (30) days of the effective date of this CA/FO, Respondent will pay a civil penalty of Fifteen Thousand Dollars (\$15,000). The payment must be received at the address below on or before 30 days after the effective date of the Final Order (the date by which payment must be received shall hereafter be referred to as the "due date"). Such payment shall

identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

2. Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

3. A copy of the payment documentation shall also be mailed to EPA's representative identified in paragraph 8 below, and to:

Regional Hearing Clerk
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

and to:

Raymond C. Bosch
Office of Regional Counsel
U.S. EPA Region 7
901 N. 5th Street
Kansas City, Kansas 66106.

4. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CA/FO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

B. Compliance Actions

5. Respondent shall take the following action beginning no later than thirty (30) days after the effective date of the CAFO, and on an ongoing basis thereafter for a period of one year:

a. Perform Laboratory Cleanouts, defined as "evaluations by The Washington University's Department of Environmental Health & Safety (EH&S), with input from waste generating University departments, of the inventories of chemicals and other materials in laboratories that are no longer needed or that have expired, and the subsequent staging and removal of those chemicals or other unwanted materials from the laboratories," throughout both the Danforth Campus and the School of Medicine. Laboratory Cleanouts will be conducted on a laboratory-by-laboratory basis, concurrently at the Danforth and Medical School campuses. For a laboratory which is determined by EH&S to warrant removal of chemicals and/or other materials, the staging and removal of such items will be initiated within thirty (30) days of the evaluation of that laboratory. EH&S shall complete as many Laboratory Cleanouts as practicable during the applicable time period, provided that the Laboratory Cleanouts do not interfere with EH&S's ability to fulfill its regular responsibilities, including but not limited to the Washington University Hazardous Waste management program.

b. Respondent shall provide the following documentation to Region 7 beginning no later than ninety (90) days after the effective date of the CAFO, and on a quarterly basis thereafter until thirty (30) days after the one-year anniversary of the effective date of the CAFO:

(1) copies of inventories and hazardous waste manifests created or received by the University during that quarter regarding chemicals and/or other unwanted materials disposed of as the result of Laboratory Cleanouts. Vendor manifests will be provided at the end of the quarter in which they are received by the University, which may not be the same quarter as when the inventories are provided;

(2) copies of hazardous waste manifests created or received by the University during that quarter for wastes generated at the Danforth Campus and School of Medicine Campus;

(3) documentation of proper labeling and dating of hazardous waste and universal waste containers and satellite accumulation containers at the end of each quarter. Such documentation shall consist of digital photographs that depict properly labeled and dated containers from no less than 10 laboratory or shop areas, to be selected by EH&S;

(4) documentation of proper storage of hazardous waste and universal waste containers, and satellite accumulation containers, such as being closed with adequate aisle space, at the end of each quarter. Such documentation shall consist of digital photographs that depict proper storage, closed containers and/or adequate aisle space from no less than 10 central collection facility, laboratory or shop areas, to be selected by EH&S; and

(5) copies of available EH&S inspection reports for hazardous waste containers in WU central hazardous waste collection storage facilities at the end of the previous quarter.

6. No later than 180 days after the effective date of this CAFO, Respondent shall provide to EPA Region 7 a written certification that, to the best of its knowledge, Respondent's facility is in compliance with 10 C.S.R. 25-5.262(2)(C)6, 10 C.S.R. 25-7.265(2)(I) 7 & 8, and by incorporation 40 C.F.R. § 265.176, which require that ignitable hazardous wastes be stored at least 50 feet from the property line.

C. Submittals

7. All documents required to be submitted to EPA pursuant to this Final Order shall be sent to:

Nicole Cruise, AWMD/RESP
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
E-mail: Cruise.Nicole@epa.gov

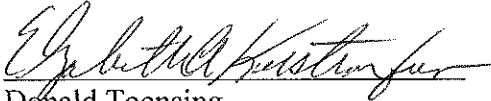
D. Parties Bound

8. This Final Order portion of this CAFO shall apply to and be binding upon Complainant and Respondent, and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

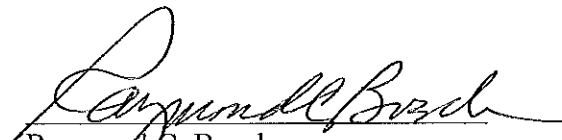
FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

July 27, 2010
Date

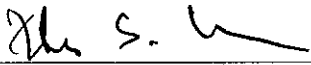

Donald Toensing
Chief
Waste Enforcement and
Materials Management Branch
Air and Waste Management Division

July 27, 2010
Date


Raymond C. Bosch
Assistant Regional Counsel

FOR RESPONDENT:

THE WASHINGTON UNIVERSITY

Signature 
Henry S. Webber,
Executive Vice Chancellor
for Administration

7.22.2010
Date

IT IS SO ORDERED. This Final Order is effective upon its final entry by the Regional Judicial Officer.

August 5, 2010
Date

Robert Patrick
Robert Patrick
Regional Judicial Officer

Washington University in St. Louis
Supplemental Environmental Project (SEP) Work Plan

Background

Washington University and the U.S. Environmental Protection Agency have agreed to attach this SEP Work Plan to the Consent Agreement and Final Order (CAFO) regarding USEPA Region 7's April and May 2008 inspections at the University's Danforth Campus and School of Medicine Campus, pursuant to Paragraph 73 of the CAFO.

Summary of SEP/Expected Environmental Benefit

After significant research and investigation into the hazardous waste management needs of entities near Washington University, the University will assist the St. Louis Public Schools (SLPS) in the one-time removal, transportation and disposal of hazardous wastes currently located in several of SLPS's educational facilities and will provide those facilities with outreach and education about hazardous waste management. Washington University and the USEPA expect that this SEP will immediately reduce hazardous wastes at SLPS facilities and reduce future waste generation at those facilities, thereby improving the health and safety of the students, faculty and staff who utilize those facilities, as well as the health and safety of surrounding communities.

About the St. Louis Public Schools

The St. Louis Public Schools (SLPS) is a large, urban public school district in the City of St. Louis, Missouri, which includes at least seventy-four (74) operational buildings. Many of these are primary and secondary public schools located in neighborhoods that include substantial low-income and/or minority populations. SLPS is facing considerable financial challenges. For example, SLPS estimates on its website an operating budget deficit in excess of \$13 million for Fiscal Year 2009-2010, and its teachers' union has agreed to numerous unpaid furloughs this year.

Hazardous Waste Management at SLPS

The types of waste streams in SLPS vary from school to school. Due to economic pressures and lack of resources, SLPS has had difficulty managing its hazardous waste. SLPS anticipates ongoing financial difficulties and is concerned about its ability to remove and dispose of existing and future wastes in its schools.

Projected Cost

The University projects that the total cost of this SEP will be forty-five thousand dollars (\$45,000.00). The SEP will consist of two primary activities: (1) waste removal, transportation, and disposal, and (2) education and outreach. Regarding activity 1, SLPS has provided the University with its current prioritization of facilities most in need of hazardous waste removal. A list of SLPS's 12 top prioritized schools, along with vendor estimates of the costs to remove, transport, and dispose of wastes at each of those schools, appears as Exhibit A to this SEP Work Plan (attached). Exhibit A is for illustrative purposes only. Washington University will defer to

SLPS as to the prioritization of wastes to be removed from SLPS facilities. This process may result in waste removal from more or less than 12 schools and may result in only partial removal of hazardous wastes from one or more schools.

Detailed Work Plan

This SEP will include two primary activities: waste removal, transportation and disposal, and education and outreach.

Waste removal, transportation and disposal (approximately 85-90% of total SEP costs). For each facility, the University will engage the services of a third party vendor, Veolia Environmental Services, for a one-time cleanout of hazardous waste. Veolia is the world's largest waste services company. Both SLPS and Washington University have utilized Veolia for hazardous waste services. Veolia will be instructed to clean out various areas in each school, including but not limited to classrooms, academic laboratories, art studios, and maintenance areas.

Veolia's services will include segregation of chemicals according to DOT, EPA and labpacking requirements contained within the Waste Disposal Plan of the disposal site. Chemicals will then be packed for transport, manifested, and removed from site with proper paperwork provided. Veolia will conduct inventories and make hazardous waste determinations, as appropriate. Items requiring special handling or individualized transportation may be left behind until appropriate handling and transportation methods are available. In rare circumstances, "high hazard" chemicals may require special handling on-site. Veolia is equipped to perform this procedure, and notification and coordination will be arranged in advance with SLPS.

Veolia has provided estimates for hazardous waste removal from the schools listed in Exhibit A based on site inspections and/or review of waste inventories provided by SLPS. Veolia has identified some of the waste streams as "high hazard." A number of factors may increase the actual costs, including but not limited to the discovery of additional wastes and testing of the unknown contents of storage drums located at several of the schools. If any unique hazardous wastes are identified, such as radioactive materials or controlled pharmaceuticals, Veolia, SLPS or Washington University will consult with appropriate government regulators (e.g., the Drug Enforcement Agency) about the proper handling of those wastes.

Washington University will coordinate these waste cleanouts with Veolia and SLPS. It is anticipated that a SLPS representative will be present for at least some portion of each cleanout.

Veolia will invoice Washington University for the costs of these services.

Outreach/Education of Schools (approximately 10-15% of total SEP costs). In addition to paying for the waste removal and disposal, Washington University will engage those same schools on an individual basis to provide ideas for reducing future waste production. Because the types of waste and reasons for their production vary from school to school, the University will produce

and distribute general handouts to points of contact at each school. Then, at or around the time of the cleanout by Veolia, a member of the University's Hazardous Waste management team will schedule a meeting or teleconference with the primary contact person for that school to discuss the unique hazardous waste challenges at that school and ideas for future improvement. The University's costs for this education and outreach will be based on time and effort and fair-market-value hourly rates for the University's hazardous waste management employees who perform such education and outreach services.

Timeline

It is difficult for the University to estimate the timeline for completing this project because this project requires the coordination of schedules for Washington University, SLPS and Veolia personnel. However, the University estimates that the SEP can be completed no later than nine (9) months after its inception.

Contact Information.

Below is contact information for key personnel involved with this SEP:

Washington University

Linda Vishino
Environmental Compliance Officer
Campus Box 1010
One Brookings Drive
St. Louis, Missouri 63130
Telephone: 314-935-7864
E-mail: vishinol@wustl.edu

St. Louis Public Schools

Tom Goodrich, Operations Department
801 North 11th Street
St. Louis, Missouri 63101
Telephone: 314-345-4449
Tom.goodrich@slps.org

Veolia ES Technical Solutions, LLC

Shannon Gillespie, Account Manager
7 Mobile Avenue
Sauget, Illinois 62201
Telephone: 618-271-2804
E-mail: Shannon.gillespie@veoliaes.com

EXHIBIT A: Washington Univerity SEP Proposal & Work Plan - Illustration of Possible SEP expenditures

<u>School Name</u>	<u>SLPS HazWaste Prioritization</u>	<u>Veolia Cost Estimate</u>
Beaumont	1*	2,598.00
Gateway	2	12,665.00
Carnahan	3	1,380.00
Mark Twain	4	1,350.00
Clark	5	2,950.00
Sigal	6	693.00
Cleveland	7	1,900.00
Lyon	8	5,200.00
Sherman	9	1,790.00
Des Peres	10	2,420.00
Laclede	11	1,250.00
Blewett	12	3,875.00
	Sub-Total	<u>38,071.00</u>
Plus 10% for WU's costs of education/outreach to schools		\$3,807.10
	Total	\$41,878.10

* - waste removed Dec 2009; SLPS requested WU cover this cost under the SEP Proposal

IN THE MATTER OF The Washington University/Danforth Campus and School of Medicine
Campus, Respondent
Docket No. RCRA-07-2010-0018

CERTIFICATE OF SERVICE

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

Copy hand delivered to
Attorney for Complainant:

Raymond Bosch
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Christopher W. Goddard
Assistant General Counsel
Washington University in St. Louis
Campus Box 8037
660 S. Euclid
St. Louis, Missouri 63110

Dated: 8/6/10



Kathy Robinson
Kathy Robinson
Hearing Clerk, Region 7