

FILED

August 13, 2025

2:00 P.M. PST

U.S. EPA REGION 10
HEARING CLERK

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:)	Docket No. RCRA-10-2025-0147
)	
)	
Alaska Railroad Corporation)	
)	
Respondent)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
)	FINAL ORDER
Alaska Railroad Corporation)	
327 West Ship Creek Avenue)	
Anchorage, Alaska 99501)	
)	
EPA ID Number: AKD981767403)	
)	
Facility)	
)	

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 Alaska Railroad Corporation (“Respondent”) is the owner or operator of the Alaska Railroad facility located at 327 West Ship Creek Avenue in Anchorage, Alaska, EPA RCRA ID No. AKD981767403 (“ the Facility”). The Facility is a Small Quantity Generator of Hazardous Waste.
3. 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. The EPA alleges that Respondent violated the following requirements of the RCRA.

a. Failure to Make a Hazardous Waste Determination

Pursuant to 40 C.F.R. § 262.11, a generator of solid waste must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. The hazardous waste determination for each solid waste must be made at the point of waste generation.

At the time of the inspection, in the Boiler Plant Building 29 Central Accumulation Area (CAA), EPA observed 10 containers stacked in a pile. These containers appeared to be waste paints based on the product label. EPA also observed two containers of lubricant and two

containers of ‘black cement.’ A Facility representative, Mr. Demario Jones, stated that these materials arrived at the CAA two weeks ago and were waste, but he noted that he had yet to make a hazardous waste determination.

At the time of the inspection, outside the Boiler Plant Building 29 Satellite Accumulation Area (SAA), EPA observed several miscellaneous containers of unknown materials. These containers included a full 55-gallon container labeled “PF solvent used” and a tote labeled “bad”, as well as an unlabeled blue container. Mr. Jones stated that he believed one of these containers to be a mix of oil and water and another to be a mix of diesel and water. He was unsure what the “PF solvent” was. Mr. Jones stated that he believed these materials to be wastes, but he noted that he had not yet made a hazardous waste determination.

Alaska Railroad must make an accurate hazardous waste determination at the point of generation as to whether these solid wastes are a hazardous waste. By failing to do so, Alaska Railroad violated 40 C.F.R. § 262.11.

b. Failure to Label Universal Waste Lamps

Pursuant to 40 C.F.R. § 273.14(e), handlers of universal waste must label or mark each lamp or a container or package in which such lamps are contained with one of the following phrases: “Universal waste – lamps,” “Waste Lamps” or “Used Lamps.”

At the time of inspection, in the Boiler Plant Building 29 CAA, EPA observed two containers of used universal waste lamps that were not labeled or marked with one of the following phrases: “Universal waste – lamps,” “Waste Lamps” or “Used Lamps.”

Alaska Railroad must label or mark each lamp or a container or package in which such lamps are contained with one of the following phrases: “Universal waste – lamps,” “Waste Lamps” or “Used Lamps.” By failing to do so, Alaska Railroad violated 40 C.F.R. § 273.14(e).

c. Failure to Close Universal Waste Lamp container and Contain Universal Waste Lamps in Container

Pursuant to 40 C.F.R. § 273.13(d)(1), small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

At the time of inspection, in the Boiler Plant Building 29 CAA, EPA observed two containers of used universal waste lamps that were not closed. EPA also observed two waste universal waste lamps sitting out on top of a used lamps container and one broken lamp in a trash can. During the inspection, Mr. Demario Jones, closed the two containers of universal waste lamps and place the waste universal waste lamps in the designated universal waste containers.

Alaska Railroad must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers

and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. By failing to do so, Alaska Railroad violated 40 C.F.R. § 273.13(d)(1).

d. Accumulating Universal Waste for Greater than One Year

Pursuant to 40 C.F.R. § 273.15(a), small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated.

At the time of inspection, in the Boiler Plant Building 29 CAA, EPA observed a container of waste NiCad batteries and a container of waste lithium batteries each with an accumulation start date of March 20, 2023. These two containers of universal waste batteries exceeded the accumulation time limit of one year. By accumulating universal waste for longer than one year from the date the universal waste was generated, Alaska Railroad violated 40 C.F.R. § 273.15(a).

e. Failure to Label or Mark Used Oil Containers with the words “Used Oil”

Pursuant to 40 C.F.R. § 279.22(c)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

At the time of inspection, EPA observed the following containers storing used oil that were not labeled or marked with the words “Used Oil” as required by 40 C.F.R. § 279.22(c)(1):

- Two buckets, two jugs and a parts washer used oil collection container at the general Repair Shop Building 27;
- Two drip containers at the Electric Rewind Shop SAA;
- Three containers at the Diesel Shop Center Aisle SAA;
- Three containers at the Diesel Shop Oil Filter Crushing SAA;
- One container at the 5K Oil Tank SAA.

Alaska Railroad must label or mark used oil containers clearly with the words “Used Oil.” By failing to do so, Alaska Railroad violated 40 C.F.R. § 279.22(c)(1).

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 \$6,250. 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

\$6,250 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: <http://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
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

Xiangyu Chu
U.S. Environmental Protection Agency
Region 10
Chu.xiangyu@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.

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): Tina Wareham

Title (print): Deputy Chief Counsel

Signature: Tina M. Wareham

Date: August 12, 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: Alaska Railroad Corporation, Docket No.: RCRA-10-2025-0147 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:

Xiangyu Chu
U.S. Environmental Protection Agency
Region 10
Chu.xiangyu@epa.gov

Mr. Matt Kelzenberg
Manager Environmental Operations
Alaska Railroad Corporation
kelzenbergm@akrr.com

DATED this _____ day of _____, 2025.

Regional Hearing Clerk
EPA Region 10