

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
Bashir Naseem Corporation	:	U.S. EPA Docket No. RCRA-03-2023-0081
1905 9th Street NE	:	
Suite A	:	Proceeding under Section 9006 of the Resource
Washington, DC 20018	:	Conservation and Recovery Act, as amended,
	:	42 U.S.C. Section 6991e
Respondent.	:	
	:	
Freedom Citgo	:	
1905 9th Street NE	:	
Suite A	:	
Washington, DC 20018	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Bashir Naseem Corporation (“Respondent”) (collectively the “Parties”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), as amended, 42 U.S.C. § 6991e, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22. Section 9006 of RCRA authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. EPA has given the District of Columbia Department of Energy and Environment (“DOEE”) notice of the issuance of this Consent Agreement and Final Order in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in **this Consent Agreement and Final Order** and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. The District of Columbia is approved to administer and enforce an underground storage tank program in lieu of the Federal program under Subtitle I of the Act, as amended, 42 U.S.C. §§ 6991-6991m. The program, as administered by DOEE, was approved by EPA, pursuant to 42 U.S.C. 6991c and 40 CFR part 281. EPA approved the District of Columbia underground storage tank (“UST”) program, set forth in the District of Columbia Municipal Regulations (“DCMR”), Title 20, Chapters 55-67 and 70, under “Underground Storage Tanks,” on July 9, 1997, and approval of the District of Columbia UST program became effective on May 4, 1998. A subsequent UST program revision application was approved by EPA on January 27, 2022 and became effective on March 28, 2022. The time frames analyzed for the violations alleged herein span both the District of Columbia’s 1998 UST program authorization and the District of Columbia’s

2022 UST program authorization. The violations alleged herein occurred during the period covered by the 1998 UST program authorization for Count I and during the period covered by the 1998 UST program authorization and the 2022 UST program authorization for Count II. The citations in this Consent Agreement and Final Order include the 1998 UST program authorization followed by the 2022 UST program authorization in brackets unless the citations are the same between the two programs (e.g., Section 6003.2 [6003.3] of the DCMR or 20 DCMR 6003.2 [6003.3]). The language in quotations reflects the District of Columbia's regulations included in the 1998 UST program authorization. The language for the 2022 UST program authorization is quoted in footnotes if it is applicable to the violation period.

14. The federally approved District of Columbia UST program is enforceable by EPA pursuant to Section 9006(a) of RCRA, 42 U.S.C. § 6991e(a).
15. Section 9006(d) of RCRA, 42 U.S.C. § 6991e(d), authorizes the assessment of civil penalties against any owner or operator of an UST who fails to comply with, *inter alia*, any requirement or standard of a State program that has been approved pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c.
16. The District of Columbia UST program regulates USTs used to contain “regulated substances,” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR 7099.1.
17. At all times relevant to this Consent Agreement, Respondent is, and has been, a “person,” as defined by Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR 7099.1.
18. At all times relevant to this Consent Agreement, Respondent is, and has been, the “operator,” as defined by Section 9001(3) of RCRA, 42 U.S.C. § 6991(3), and 20 DCMR 7099.1, of “USTs,” as defined in Section 9001(10) of RCRA, 42 U.S.C. 6991(10), and 20 DCMR 7099.1, and of “UST systems,” as defined by 20 DCMR 7099.1, at the Freedom Citgo UST facility located at 1905 9th Street NE, Suite A, Washington, DC 20018 (“the Facility”).
19. At all times relevant to this Consent Agreement, there are, and there have been, the following three USTs at the Facility, each of which contains a regulated substance.
 - a. A 10,000-gallon tank that contains diesel and was installed on or about January 1992 (hereinafter referred to as “Tank 1,” as designated by the Facility’s monitoring system). Tank 1 is constructed of epoxy-coated steel and is equipped with pressurized bare steel piping. Tank 1 uses a Veeder-Root TLS-350 automatic tank gauging (“ATG”) monitoring system to perform continuous statistical leak detection.
 - b. A 10,000-gallon tank that contains regular gasoline and was installed on or about January 1992 (hereinafter referred to as “Tank 4,” as designated by the Facility’s monitoring system). Tank 4 is constructed of cathodically-protected steel and is

equipped with pressurized bare steel piping. Tank 4 uses a Veeder-Root TLS-350 ATG monitoring system to perform continuous statistical leak detection.

- c. A 10,000-gallon tank that contains premium gasoline and was installed on or about January 1992 (hereinafter referred to as “Tank 5,” as designated by the Facility’s monitoring system). Tank 5 is also constructed of cathodically-protected steel and is equipped with pressurized bare steel piping. Tank 5 uses a Veeder-Root TLS-350 ATG monitoring system to perform continuous statistical leak detection.
20. At all times relevant to this Consent Agreement, Respondent used a third-party contractor to manage the three USTs at the Facility.
21. On April 6, 2022, EPA conducted an inspection of the Facility (the “Inspection”) to determine its compliance with RCRA Subtitle I, and the DCMR. EPA received responses and documentation from Respondent on April 6, 2022, and June 16, 2022.

Count I

Failure to Conduct Tank Release Detection for Tank 5

22. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
23. Pursuant to 20 DCMR 6003.2 [6003.3], “[t]anks shall be monitored at least once every thirty (30) days for releases using one of the methods listed in §§ 6008 through 6012” with exceptions that do not apply here.
24. Under 20 DCMR 6008.1, a release monitoring method using “[ATG] equipment that tests for the loss of product and conducts inventory control” meets the requirements of Section 6003.2 [6003.3].
25. On June 1, 2021, Respondent performed a tank release detection test with its ATG monitoring system on Tank 5 and obtained a “Pass” result. According to 20 DCMR 6003.2 [6003.3], the next tank release detection test was due to be performed on or before July 1, 2021.
26. On October 10, 2021, Respondent performed a tank release detection test with its ATG monitoring system on Tank 5 and obtained a “Pass” result.
27. From July 2, 2021, to October 9, 2021, Respondent failed to perform tank release monitoring at least once every 30 days for Tank 5.
28. From July 2, 2021, to October 9, 2021, Respondent violated 20 DCMR 6003.2 [6003.3] by failing to perform tank release monitoring at least once every 30 days for Tank 5.
29. In failing to comply with 20 DCMR 6003.2 [6003.3], Respondent is subject to the assessment of penalties under 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

Count II
Failure to Test the Cathodic Protection System of All Tanks

30. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
31. Pursuant to 20 DCMR 5901.4 [5901.3], “[e]ach UST system equipped with a cathodic protection system shall be inspected for proper operation by a qualified cathodic protection tester within six (6) months of the installation and at least once every three years thereafter.”¹
32. A DOEE inspection report, dated July 22, 2020, states that a cathodic protection test was performed by a qualified cathodic protection tester on August 15, 2017, with passing results for all tanks. According to 20 DCMR 5901.4 [5901.3] and based on this test date, the next test of the cathodic protection system was due by August 15, 2020 (i.e., three years from the 2017 test identified in DOEE’s inspection report).
33. On May 2, 2022, a cathodic protection test was conducted by a qualified cathodic protection tester with passing results for all three tanks.
34. From August 16, 2020, to May 1, 2022, Respondent failed to test the cathodic protection system of all tanks for proper operation by a qualified cathodic protection tester at least once every three years.
35. From August 16, 2020, to May 1, 2022, Respondent violated 20 DCMR 5901.4 [5901.3] by failing to test the cathodic protection system of all tanks for proper operation by a qualified cathodic protection tester at least once every three years.
36. In failing to comply with 20 DCMR 5901.4 [5901.3], Respondent is subject to the assessment of penalties under 9006(d)(2) of RCRA, 42 U.S.C. § 6991e(d)(2).

CIVIL PENALTY

37. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of TWENTY-TWO THOUSAND dollars (\$22,000.00), which Respondent shall be liable to pay in accordance with the terms set forth below.
38. The civil penalty is based upon EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in Section 9006(c) and (e) of RCRA, 42

¹ Even though the violation period for Count II occurred during both the District of Columbia’s 1998 UST program authorization and 2022 UST program authorization, the requirements for cathodic protection system testing is the same between the two program authorizations. The 2022 UST program authorization specifically states that “[w]ithin six (6) months of installation, and at least once every three (3) years thereafter, each UST equipped with a cathodic protection system shall be inspected by a cathodic protection tester to ensure the system is operating properly.”

U.S.C. § 6991e(c) and (e), including, the following: the seriousness of the violation, any good faith efforts to comply with the applicable requirements, and any other factors considered appropriate, including Respondent’s agreement to settle in order to resolve disputed facts and legal conclusions. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s October 5, 2018, *Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* and November 1990 U.S. EPA Penalty Guidance for Violations of UST Regulations which reflect the statutory penalty criteria and factors set forth at Section 9006(c) and (e) of RCRA, 42 U.S.C. § 6991e(c) and (e); the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19; and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

39. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to EPA by Respondent, including a signed, certified statement of Respondent’s current financial condition articulating a basis for its contention that it cannot pay the penalty within thirty (30) days of the effective date of this Consent Agreement and Final Order without experiencing an undue financial hardship.
40. Based upon this analysis EPA has determined that the Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in Paragraph 37, above, in settlement of the above-captioned action. Complainant has relied upon the financial information provided by Respondent and identified in the preceding Paragraph and, based upon that information, it is Complainant’s conclusion that the Respondent has established that it is unable to pay the full amount of the civil penalty identified and set forth in Paragraph 37, above, within thirty (30) days of the effective date of this Consent Agreement and Final Order and that a payment plan of the nature and duration set forth below is necessary and appropriate.
41. Pursuant to the provisions of this Consent Agreement, Respondent will remit a total civil penalty (principal) of Twenty-Two Thousand Dollars (\$22,000.00) and interest (calculated at the rate of 3% per annum on the outstanding principal balance) in the amount of One Hundred Thirty-Seven Dollars and Fifty Cents (\$137.50), for a total payment of Twenty-Two Thousand One Hundred and Thirty-Seven Dollars and Fifty Cents (\$22,137.50), in accordance with the installment payment schedule set forth in the chart, immediately below:

Payment No.	Principal Amount	Interest	Date Payment Due (From Effective Date of Consent Agreement)	Payment Amount Due
1	\$ 3,689.60	\$ -	<i>Within 30 Days</i>	\$ 3,689.60
2	\$ 3,643.75	\$ 45.83	<i>Within 60 Days</i>	\$ 3,689.58

3	\$ 3,652.91	\$ 36.67	Within 90 Days	\$ 3,689.58
4	\$ 3,662.08	\$ 27.50	Within 120 Days	\$ 3,689.58
5	\$ 3,671.25	\$ 18.33	Within 150 Days	\$ 3,689.58
6	\$ 3,680.41	\$ 9.17	Within 180 Days	\$ 3,689.58
Total:	\$ 22,000.00	\$ 137.50		\$ 22,137.50

42. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 41, immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges, and late payment penalty charges as described in Paragraphs 47 through 49, below, in the event of any such failure or default.
43. Respondent may, at any time after commencement of payments under the installment payment schedule, elect to pay the entire principal balance, together with accrued interest to the date of such full payment.
44. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check, or electronic wire transfer, in the following manner:
- a. All payments by Respondent shall include reference to Respondent’s name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2023-0081;
 - b. All checks shall be made payable to the “United States Treasury”;
 - c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
 Cincinnati Finance Center
 P.O. Box 979078
 St. Louis, MO 63197-9000
 - d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>
 - e. A copy of Respondent’s check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously **by email** to:

Promy Tabassum
Assistant Regional Counsel
tabassum.promy@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

45. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
46. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
47. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date Respondent is notified of its debt to the United States as established upon the ratification and filing of the fully executed Consent Agreement and Final Order with the Regional Hearing Clerk. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R § 13.11(a).
48. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). If payment is not received within 30 calendar days of the effective date of this Consent Agreement, EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
49. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R.

§ 901.9(d).

- 50. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.
- 51. **The Parties consent to service of the Final Order by e-mail at the following valid e-mail addresses: tabassum.promy@epa.gov (for Complainant), and freedomcitgo@yahoo.com (for Respondent).**

GENERAL SETTLEMENT CONDITIONS

- 52. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
- 53. Respondent certifies that any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

- 54. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

- 55. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension, or modification of the requirements of the RCRA Subtitle I, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

56. This Consent Agreement and Final Order resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under RCRA Subtitle I, the regulations promulgated thereunder, and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION/PARTIES BOUND

57. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents, and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

58. The effective date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

59. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In the Matter of: Bashir Naseem Corporation

EPA Docket No. RCRA-03-2023-0081

For Respondent: BASHIR NASEEM CORPORATION

Date: 8/04/2023

By: 
Muhammad Bashir
Bashir Naseem Corporation

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
[*Digital Signature and Date*]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:

By: _____
[*Digital Signature and Date*]
Promy Tabassum
Assistant Regional Counsel
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Bashir Naseem Corporation	: U.S. EPA Docket No. RCRA-03-2023-0081
1905 9th Street NE	:
Suite A	: Proceeding under Section 9006 of the Resource
Washington, DC 20018	: Conservation and Recovery Act, as amended,
	: 42 U.S.C. Section 6991e
Respondent.	:
	:
Freedom Citgo	:
1905 9th Street NE	:
Suite A	:
Washington, DC 20018	:
	:
Facility.	:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Bashir Naseem Corporation, have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s October 5, 2018, *Interim Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA Pilot* and November 1990 U.S. EPA *Penalty Guidance for Violations of UST Regulations*; the statutory factors set forth in Section 9006(c) and (e) of the Resource Conservation and Recovery Act (“RCRA” or the “Act”), 42 U.S.C. § 6991e(c) and (e); the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19; and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

NOW, THEREFORE, PURSUANT TO Section 9006(d) of RCRA. 42 U.S.C. § 6991e(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY-TWO THOUSAND DOLLARS (\$22,000.00)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA Subtitle I and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: _____
[*Digital Signature and Date*]
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA – Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103**

In the Matter of:	:
	:
Bashir Naseem Corporation	: U.S. EPA Docket No. RCRA-03-2023-0081
1905 9th Street NE	:
Suite A	: Proceeding under Section 9006 of the Resource
Washington, DC 20018	: Conservation and Recovery Act, as amended,
	: 42 U.S.C. Section 6991e
Respondent.	:
	:
Freedom Citgo	:
1905 9th Street NE	:
Suite A	:
Washington, DC 20018	:
	:
Facility.	:

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region III Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Muhammad Bashir
Bashir Naseem Corporation
1905 9th Street NE
Suite A
Washington, DC 20018
freedomcitgo@yahoo.com

Promy Tabassum, Esq.
Assistant Regional Counsel
U.S. EPA, Region III
tabassum.promy@epa.gov

Melissa Toffel
UST Enforcement and Compliance Officer
U.S. EPA, Region III
toffel.melissa@epa.gov

By: _____
[Digital Signature and Date]
Regional Hearing Clerk
U.S. EPA – Region III