

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION III  
 1650 Arch Street  
 Philadelphia, Pennsylvania 19103-2029**

In the Matter of: )  
 )  
 Fleet Management Administration )  
 Department of Public Works )  
 Government of the District of Columbia )  
 1725 15<sup>th</sup> Street, N.E. )  
 Washington, D.C. 20002 )

RESPONDENT, )

U.S. EPA Docket Number  
 RCRA-03-2008-0423

Proceeding Under Section 9006 of the  
 Resource Conservation and Recovery Act,  
 as amended, 42 U.S.C. Section 6991e

DPW - West Virginia Ave. Fueling Facility )  
 1835 West Virginia Ave, N.E. )  
 Washington, D.C. 20002 )

DPW - 42<sup>nd</sup> St. N.E. Fueling Facility )  
 100 42nd Street, N.E. )  
 Washington, D.C. 20019 )

FACILITIES. )

CONSENT AGREEMENT

**CONSENT AGREEMENT**

This Consent Agreement (“CA”) is entered into by the Director, Land and Chemicals Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and the Fleet Management Administration of the Department of Public Works of the Government of the District of Columbia (“Respondent”), pursuant to Section 9006 of the Resource Conservation and Recovery Act (“RCRA”), 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”), 40 C.F.R. Part 22, including, specifically 40 C.F.R. §§ 22.13(b) and .18(b)(2) and (3).

This CA and the Final Order (collectively “CAFO”), resolve violations of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia’s federally authorized underground storage tank (“UST”) program by Respondent in connection with its underground storage tanks at Respondent’s facilities located at 1835 West Virginia Avenue, N.E. (“Facility 1”), and 100 42nd Street, N.E (“Facility 2”), both located in Washington, D.C.

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Effective May, 4, 1998, pursuant to Section 9004 of RCRA, 42 U.S.C. § 6991c, and 40 C.F.R. Part 281, Subpart A, the District of Columbia was granted final authorization to administer a state UST management program *in lieu* of the Federal UST management program established under Subtitle I of RCRA, 42 U.S.C. §§ 6991-6991m. The provisions of the District of Columbia UST management program, through this final authorization, are enforceable by EPA pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e. The District of Columbia's authorized UST program regulations are set forth in the District of Columbia Municipal Regulations, Title 20, Chapters 55 *et seq.*, and will be cited hereinafter as 20 DCMR §§ 5500 *et seq.*

### **GENERAL PROVISIONS**

1. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
2. Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO, except as provided in Paragraph 1, above.
3. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement ("CA"), the issuance of the attached Final Order ("FO"), or the enforcement thereof, and Respondent admits the jurisdictional allegations set forth in this CAFO.
4. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing on any issue of law or fact set forth in this CA and any right to appeal the accompanying FO.
5. Respondent consents to the issuance of this CAFO, and agrees to comply with its terms and conditions.
6. Respondent shall bear its own costs and attorney's fees.
7. The person signing this CA on behalf of the Respondent certifies by his signature herein that Respondent, as of the date of this CA, is in compliance with the provisions of RCRA, Subtitle I, 42 U.S.C. §§ 6991-6991m, and the District of Columbia's federally authorized underground storage tank program set forth at 20 DCMR §§ 5500 *et seq.* at the Facilities referenced herein.
8. The provisions of this CAFO shall be binding upon Respondent, and its officers, directors, employees, successors and assigns.

9. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit, nor does this CAFO constitute a waiver, suspension or modification of the requirements of RCRA Subtitle I, 42 U.S.C. §§ 6991-6991m, or any regulations promulgated thereunder.
10. Complainant shall have the right to institute further actions to recover appropriate relief if Complainant obtains evidence that the information provided and/or representations made by Respondent to EPA regarding matters at issue in the CAFO are false or, in any material respect, inaccurate. Respondent is aware that the submission of false or misleading information to the United States government may subject Respondent to separate civil and/or criminal liability.
11. Respondent agrees not to deduct for civil taxation purposes the civil penalty specified in this Consent Agreement and the attached Final Order.
12. EPA has given the District of Columbia prior notice of the issuance of this CAFO in accordance with Section 9006(a)(2) of RCRA, 42 U.S.C. § 6991e(a)(2).

#### **FACTUAL ALLEGATIONS AND CONCLUSIONS OF LAW**

The United States Environmental Protection Agency - Region III ("EPA" or the "Region") and EPA's Office of Administrative Law Judges have jurisdiction over this matter pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, 40 C.F.R. Part 280 and 40 C.F.R. § 22.1(a)(4) and .4(c).

13. At all times relevant to this CAFO, Respondent has been the "owner" and/or "operator," as those terms are defined in Section 9001(3) and (4) of RCRA, 42 U.S.C. § 6991(3) and (4), and 20 DCMR § 6899.1, of the "underground storage tanks" ("USTs") and "UST systems" as those terms are defined in Section 9001(10) of RCRA, 42 U.S.C. § 6991(10), and 20 DCMR § 6899.1, located at 1835 West Virginia Ave, N.E., ("Facility 1") and 100 42nd Street, N.E. ("Facility 2"), in Washington, D.C. (collectively the "Facilities"). Respondent is a "person" as defined in Section 9001(5) of RCRA, 42 U.S.C. § 6991(5), and 20 DCMR § 6899.1.
14. On September 28, 2007, Respondent entered into a Consent Agreement, Final Order and Settlement Conditions Document with EPA to perform a Multi-Facility Underground Storage Tank Compliance Audit, EPA Docket No. RCRA-03-2007-0045.

15. On March 13 and 14, 2008, Archer, Inc. performed audits of the Facilities on behalf of Respondent pursuant to the terms of the Settlement Conditions Document issued by the EPA to Respondent as indicated in Paragraph 14, above.
16. At the time of the March 13, 2008 audit, and at all times relevant to the applicable violations alleged herein, three (3) USTs were located at Facility 1 as described in the following subparagraphs:

**Facility 1**

- A. A thirty thousand (30,000) gallon double-walled fiberglass tank that was installed in or about 2000, and that, at all times relevant hereto, routinely contained and was used to store unleaded gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter “UST No. 1”), and
  - B. A twenty thousand (20,000) gallon double-walled fiberglass tank that was installed in or about 2000, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter “UST No. 2”), and
  - C. A ten thousand (10,000) gallon double-walled fiberglass tank that was installed in or about 2003, and that, at all times relevant hereto, routinely contained and was used to store E-85 ethanol, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter “UST No. 3”).
17. At the time of the March 14, 2008 audit, and at all times relevant to the applicable violations alleged herein, two (2) USTs were located at Facility 2 as described in the following subparagraphs:

**Facility 2**

- A. A ten thousand (10,000) gallon double-walled fiberglass tank that was installed in or about 2000, and that, at all times relevant hereto, routinely contained and was used to store unleaded gasoline, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter “UST No. 4”), and

- B. A ten thousand (10,000 gallon) double-walled fiberglass tank that was installed in or about 2000, and that, at all times relevant hereto, routinely contained and was used to store diesel fuel, a “regulated substance” as that term is defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1 (hereinafter “UST No. 5”).
18. At all times relevant to the applicable violations alleged herein, USTs Nos. 1 through 5 have been “petroleum UST systems” and “new tank systems” as these terms are defined in 20 DCMR § 6899.1, respectively.
19. USTs Nos. 1 through 5 at Respondent’s Facilities, are and were, at all times relevant to the applicable violations alleged in this CAFO, used to store a “regulated substance”, as defined in Section 9001(7) of RCRA, 42 U.S.C. § 6991(7), and 20 DCMR § 6899.1, and have not been “empty” as that term is defined at 20 DCMR § 6100.7.

#### COUNT 1

(Failure to notify UST No. 3 located at Facility 1)

20. The allegations of Paragraphs 1 through 19 of the CAFO are incorporated herein by reference.
21. 20 DCMR § 5602.2 provides that owners and operators of UST systems must submit to the District of Columbia Department of the Environment (“DOE”) notification for all UST systems in accordance with 20 DCMR § 5600.
22. 20 DCMR § 5600.1 provides that any owner who has an underground storage tank or UST system that is in the ground on May 8, 1986, or was brought into use thereafter, or who brings an UST or UST system into use after the effective date of these regulations, May 4, 1998, shall submit a notice of existence of the UST or UST system to the Director of DOE.
23. Respondent brought UST No. 3 into use on or about 2003.
24. From September 28, 2004 until March 13, 2008, Respondent failed to notify the District of Columbia Department of the Environment (“DOE”) that UST No. 3 was in use at Facility 1.
25. Respondent’s failure to notify DOE that UST No. 3 was in use at Facility 1, as alleged in Paragraph 24, constitutes a violation by Respondent of 20 DCMR §§ 5602.2 and 5600.1.

**COUNT 2**

(Failure to perform automatic line leak detector testing annually on piping for USTs Nos. 1, 2, and 3 located at Facility 1)

26. The allegations of Paragraphs 1 through 25 of this CAFO are incorporated herein by reference.
27. 20 DCMR § 6004.2 provides that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector, in accordance with § 6013.2 of this chapter.
28. 20 DCMR § 6013.2 provides, in pertinent part, that the owner or operator shall conduct an annual test of the operation of the leak detector, in accordance with the manufacturer's requirements.
29. From September 28, 2004 until March 13, 2008, the piping for USTs Nos. 1, 2, and 3 located at Facility 1 were underground and routinely conveyed regulated substances under pressure.
30. Respondent only conducted a test of the automatic line leak detectors for the piping associated with USTs Nos. 1, 2, and 3 located at Facility 1 in 2006 and 2008.
31. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping associated with USTs Nos. 1, 2, and 3 located at Facility 1 in 2004, 2005, and 2007.
32. Respondent's acts and/or omissions as alleged in Paragraph 31, above, constitute violations by Respondent of 20 DCMR § 6004.2 and 20 DCMR § 6013.2.

**COUNT 3**

(Failure to perform line tightness testing or monthly monitoring on piping for USTs Nos. 1, 2, and 3 located at Facility 1)

33. The allegations of Paragraphs 1 through 32 of this CAFO are incorporated herein by reference.
34. 20 DCMR § 6004.3 provides that underground piping that conveys regulated substances under pressure shall have an annual line tightness test conducted in accordance with § 6013.3 or have monthly monitoring conducted in accordance with § 6013.4.

35. From September 28, 2004 until March 13, 2008, the piping for USTs Nos. 1, 2, and 3 located at Facility 1 were underground and routinely conveyed regulated substances under pressure.
36. Respondent only conducted a test of the piping associated with USTs Nos. 1, 2, and 3 at Facility 1 in 2006 and 2008.
37. Respondent failed to perform an annual line tightness testing in accordance with 20 DCMR § 6013.3 or have monthly monitoring conducted in accordance with 20 DCMR § 6013.4 in 2004, 2005, and 2007 for the underground piping associated with USTs Nos. 1, 2, and 3 at Facility 1.
38. Respondent's acts and/or omissions as alleged in Paragraph 37, above, constitute violations by Respondent of 20 DCMR § 6004.3.

#### **COUNT 4**

(Failure to maintain release detection records for USTs Nos. 1, 2, and 3 located at Facility 1)

39. The allegations of Paragraphs 1 through 38 of this CAFO are incorporated herein by reference.
40. 20 DCMR § 5602.4(c) provides that each UST system owner or operator shall maintain information of recent compliance with release detection requirements pursuant to 20 DCMR § 6001.
41. 20 DCMR § 6001.3 and .4 provide that the results of any sampling, testing, or monitoring shall be maintained for 3 years, except the results for tank tightness testing conducted in accordance with 20 DCMR § 6007 shall be retained until the next test of the UST system is conducted.
42. From at least September 28, 2004 until March 13, 2008, Respondent failed to maintain records of release detection monitoring for USTs Nos. 1, 2, and 3 in accordance with 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3.
43. Respondent's acts and/or omissions as alleged in Paragraph 42, above, constitute a violation by Respondent of 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3.

**COUNT 5**

(Failure to perform automatic line leak detector testing annually on piping for USTs Nos. 4 and 5 located at Facility 2)

44. The allegations of Paragraphs 1 through 43 of this CAFO are incorporated herein by reference.
45. 20 DCMR § 6004.2 provides that underground piping that conveys regulated substances under pressure shall be equipped with an automatic line leak detector, in accordance with § 6013.2 of this chapter.
46. 20 DCMR § 6013.2 provides, in pertinent part, that the owner or operator shall conduct an annual test of the operation of the leak detector, in accordance with the manufacturer's requirements.
47. From September 28, 2004 until March 14, 2008, the piping for USTs Nos. 4 and 5 at Facility 2 was underground and routinely conveyed regulated substances under pressure.
48. Respondent only conducted a test of the automatic line leak detectors for the piping associated with USTs Nos. 4 and 5 at Facility 2 in 2006 and 2008.
49. Respondent failed to perform an annual test of the automatic line leak detectors for the underground piping associated with USTs Nos. 4 and 5 at Facility 2 in 2004, 2005, and 2007.
50. Respondent's acts and/or omissions as alleged in Paragraph 49, above, constitute violations by Respondent of 20 DCMR § 6004.2 and 20 DCMR § 6013.2.

**COUNT 6**

(Failure to perform line tightness testing or monthly monitoring on piping for USTs Nos. 4 and 5 located at Facility 2)

51. The allegations of Paragraphs 1 through 50 of this CAFO are incorporated herein by reference.
52. Respondent conducted monthly testing of the piping associated with UST No. 4 in April, May, September, October, November and December of 2005, January through September of 2006, and August of 2007.



53. Respondent conducted monthly testing of the piping associated with UST No. 5 in May through September of 2006.
54. Respondent conducted an annual line tightness test associated with UST Nos. 4 and 5 on September 29, 2006 and May 21, 2008.
55. From September 28, 2004 through March 30, 2005, from June 1, 2005 through August 31, 2005, and from September 29, 2007 through March 14, 2008, Respondent failed to perform monthly monitoring of the piping associated with UST No. 4 in accordance with 20 DCMR § 6013.4.
56. From September 28, 2004 through April 30, 2006, and from September 29, 2007 through March 14, 2008, Respondent failed to perform monthly monitoring of the piping associated with UST No. 5 in accordance with 20 DCMR § 6013.4.
57. Respondent's acts and/or omissions as alleged in Paragraphs 55 and 56, above, constitute violations by Respondent of 20 DCMR § 6004.3.

#### **COUNT 7**

(Failure to maintain release detection records for USTs Nos. 4 and 5 located at Facility 2)

58. The allegations of Paragraphs 1 through 57 of this CAFO are incorporated herein by reference.
59. From at least September 28, 2004 until March 14, 2008, Respondent failed to maintain records of release detection monitoring for USTs Nos. 4 and 5 located at Facility 2 in accordance with 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3.
60. Respondent's acts and/or omissions as alleged in Paragraph 59, above, constitute one (1) violation by Respondent of 20 DCMR § 5602.4(c) and 20 DCMR § 6001.3.

#### **COMPLIANCE ORDER**

61. Pursuant to Section 9006 of RCRA, 42 U.S.C. § 6991e, Respondent is hereby ordered to:
  - a. Within thirty (30) days of the effective date of this Compliance Order, notify the relevant state authority of the underground storage tank system, UST No. 3 at Facility 1.

- b. Immediately maintain all records of release detection monitoring of USTs at the Facilities in accordance with 20 DCMR §§ 5602.4 and 6001.3.
  - c. Within forty-five (45) days of the effective date of this Compliance Order, submit to EPA a report which documents and certifies Respondent's compliance with the terms of this Compliance Order.
62. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this CAFO which discusses, describes, demonstrates, supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this CAFO shall be certified by a principal executive officer or ranking elected official as defined at 40 C.F.R. § 270.11(a).

The certification required above shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those] identified portions of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

63. All documents and reports to be submitted pursuant to this CAFO shall be sent to the following persons:
- a. Documents to be submitted to EPA shall be sent either by overnight mail or by certified mail, return receipt requested to:

Melissa Toffel (3LC70)  
U. S. Environmental Protection Agency Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103

- b. One copy of all documents submitted to EPA shall be sent by first class mail to:

Ms. Deborah Thomas  
Department of the Environment  
District of Columbia  
51 N Street, N.E. 6<sup>th</sup> Floor  
Washington, D.C. 20002

**CIVIL PENALTY**

64. In settlement of Complainant's claims for civil penalties for the violations alleged in this CA, Respondent agrees to pay a civil penalty in the amount of Twenty-Seven Thousand Eight Hundred Fifty-Two Dollars (\$27,852.00) and perform the tasks set forth in the Compliance Order. The civil penalty amount is due and payable immediately upon Respondent's receipt of a true and correct copy of this CAFO. If Respondent pays the entire civil penalty within thirty (30) calendar days of the date on which this CAFO is mailed or hand-delivered to Respondent, no interest will be assessed against Respondent pursuant to 40 C.F.R. § 13.11(a)(1).
65. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest, administrative costs 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.
66. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, EPA will not seek to recover interest on any amount of such civil penalty 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).
67. The costs of the Agency'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). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will 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.

68. A late payment penalty of six percent per year will be assessed monthly on any portion of a civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on a debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
69. The aforesaid settlement amount was based upon Complainant's consideration of a number of factors, including, but not limited to, the statutory factors of the seriousness of Respondent's violations and any good faith efforts by Respondent to comply with all applicable requirements as provided in RCRA Section 9006(c) - (e), 42 U.S.C. § 6991e(c) - (e), and with EPA's Penalty Guidance for Violations of UST Regulations ("UST Guidance") dated November 4, 1990.
70. Respondent shall pay the amount described in Paragraph 64, above, by sending a certified or cashier's check payable to the "United States Treasury," as follows:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action, *i.e.*, RCRA-03-2008-0423;
- b. All checks shall be made payable to "**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—Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Contact: Natalie Pearson, 314-418-4087

- d. All payments made by check and sent by overnight delivery service shall be addressed and mailed to:

U.S. Environmental Protection Agency—Fines and Penalties  
U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

Contact: Natalie Pearson, 314-418-4087

- e. All payments made by electronic wire transfer shall be directed to:

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"

- f. All electronic payments made through the automated clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17th Street, NW  
Washington, DC 20074  
Contact: Jesse White 301-887-6548

ABA = 051036706  
Transaction Code 22 - Checking  
Environmental Protection Agency  
Account 310006  
CTX Format

- g. On-Line Payment Option:

[WWW.PAY.GOV](http://WWW.PAY.GOV)

Enter sfo 1.1 in the search field. Open and complete the form.

h. The customer service phone numbers for the above payment centers are:

212-720-5000 (wire transfers, Federal Reserve Bank of New York)  
800-762-4224 (ACH/Wire Info, PNC Bank)

Additional payment guidance is available at:

[http://www.epa.gov/ocfo/finservices/make\\_a\\_payment\\_cin.htm](http://www.epa.gov/ocfo/finservices/make_a_payment_cin.htm)

Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO. A copy of Respondent's check or a copy of Respondent's electronic transfer shall be sent simultaneously to:

Regional Hearing Clerk (3RC00)  
EPA Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103 - 2029, and

Louis F. Ramalho  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

**FULL AND FINAL SATISFACTION**

71. This CAFO constitutes a settlement by EPA of its claims for civil penalties pursuant to 9006(a) of RCRA, 42 U.S.C. § 6991e(a), for the violations alleged in this Consent Agreement.

**RESERVATION OF RIGHTS**

72. 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. In addition, 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. Further, EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

**OTHER APPLICABLE LAWS**

73. Nothing in this CAFO shall relieve Respondent of any duties otherwise imposed on it by applicable federal, state or local law and/or regulations.

**AUTHORITY TO BIND THE PARTIES**

74. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and bind Respondent hereto.

**ENTIRE AGREEMENT**

75. This Consent Agreement and the attached Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the attached Final Order.

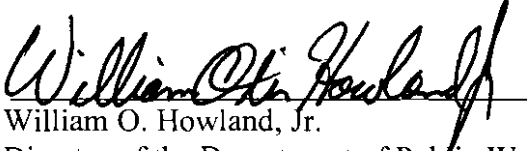
**EFFECTIVE DATE**

76. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

For Respondent:

Fleet Management Administration of the  
Department of Public Works of the  
Government of the District of Columbia

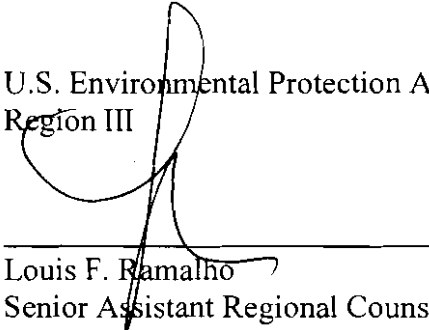
7-19-2008  
Date

  
\_\_\_\_\_  
William O. Howland, Jr.  
Director of the Department of Public Works

For Complainant:

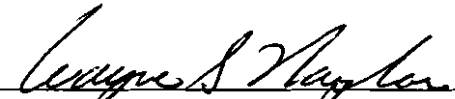
U.S. Environmental Protection Agency,  
Region III

9/25/08  
Date

  
\_\_\_\_\_  
Louis F. Ramalho  
Senior Assistant Regional Counsel

After reviewing the foregoing Consent Agreement and other pertinent information, the Waste and Chemicals Management Division, EPA Region III, recommends that the Regional Administrator or the Regional Judicial Officer issue the Final Order attached hereto.

9/30/08  
Date

By:   
\_\_\_\_\_  
Abraham Ferdas, Director  
Land and Chemicals Division  
EPA Region III



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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RESPONDENT,

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100 42nd Street, N.E.  
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FACILITIES.

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)  
) FINAL ORDER  
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**FINAL ORDER**

Complainant, the Director, Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and Respondent, Fleet Management Administration of the Department of Public Works of the Government of the District of Columbia, 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

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EPA REGION III PHILA. PA

C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

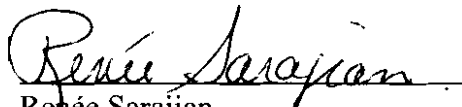
**NOW, THEREFORE, PURSUANT TO** Section 22.18(b)(3) of the *Consolidated Rules of Practice* and Section 9006(c) of the Resource Conservation and Recovery Act, 42 U.S.C.

§ 6991e(c) (“RCRA”), and having determined, based on the representations of the parties in the attached Consent Agreement, that the civil penalty agreed to therein was based upon a consideration of the factors set forth in Section 9006(c) - (e) of RCRA, 42 U.S.C. § 6991e(c) - (e),

**IT IS HEREBY ORDERED** that Respondent pay a civil penalty of Twenty-Seven Thousand Eight Hundred Fifty-Two Dollars (\$27,852.00) in accordance with the payment provisions set forth in the attached Consent Agreement, and comply with each of the additional terms and conditions as specified in the attached Consent Agreement.

The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of U.S. EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of U.S. EPA - Region III.

Date: 9/30/08

  
Renée Sarajian  
Regional Judicial Officer  
U.S. EPA, Region III

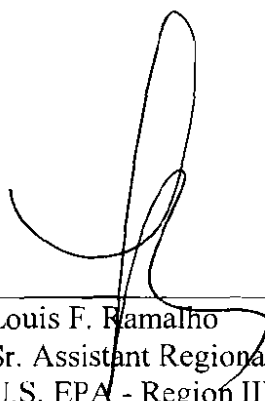
**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the date listed below, the original of the foregoing Consent Agreement and Final Order, Docket No. RCRA-03-2008-0423, was filed with the Regional Hearing Clerk, U.S. EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and that a true and correct copy was sent to the following parties:

Overnight mail:

Ms. Christine Davis  
General Counsel  
Office of General Counsel  
Government of the District of Columbia  
Department of Public Works  
2000 14<sup>th</sup> Street., N.W.  
Washington, DC 20009

9/30/08  
Date



\_\_\_\_\_  
Louis F. Ramalho  
Sr. Assistant Regional Counsel  
U.S. EPA - Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

RECEIVED  
2009 SEP 30 PM 4:58  
REGIONAL HEARING CLERK  
EPA REGION III, PHILA. PA

**EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE FILLED OUT BY ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: L. Rammalho at 9/25/08  
Name of Contact person Date

in the ORC Office at 22601 Phone number

- Non-SF Jud. Order/Consent Decree. DOJ COLLECTS
- Administrative Order/Consent Agreement FMD COLLECTS PAYMENT
- SF Jud. Order/Consent Decree. FMD COLLECTS
- This is an original debt
- This is a modification

RECEIVED  
2008 SEP 30 PM 4:58  
REGIONAL HEARING CLERK  
PHILADELPHIA, PA

Name of Person and/or Company/Municipality making the payment DRU

The Total Dollar Amount of Receivable \$25,268.00  
(If in installments, attach schedule of amounts and respective due dates)

The Case Docket Number PCA-03-2008-042  
The Site-Specific Superfund Acct. Number \_\_\_\_\_  
The Designated Regional/HQ Program Office \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number \_\_\_\_\_  
If you have any questions call: \_\_\_\_\_  
Name of Contact Date  
in the Financial Management Office, phone number: \_\_\_\_\_

**JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

1. U.S. Environmental Protection Agency  
Cincinnati Finance Center  
26 W. Martin Luther King Drive (MS-002)  
Cincinnati, OH 45268  
Attn: Lori Weidner
2. Originating Office (ORC)
3. Designated Program Office

**ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the administrative order should be sent to:

1. Originating Office
2. Designated Program Office
3. Regional Hearing Clerk
3. Regional Counsel