

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 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)(2) and (a)(4).
5. Respondent was previously notified regarding the CAA allegations recited herein in a letter dated September 11, 2018. EPA has notified the D.C. Department of Energy and Environment (“DOEE”) of EPA’s intent to enter into a CAFO with Respondent to resolve the CAA violations set forth herein.
6. Respondent was previously notified regarding the RCRA allegations recited herein in a letter dated September 11, 2018. In accordance with Sections 3008(a)(2) of the RCRA, 42 U.S.C. § 6928(a)(2), EPA has notified DOEE of EPA’s intent to enter into a CAFO with Respondent resolving the RCRA violations set forth herein.

GENERAL PROVISIONS

7. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
8. Except as provided in Paragraph 7, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
9. 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 CAFO.
10. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this CAFO and waives its right to appeal the accompanying Final Order.
11. 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.
12. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

13. Pursuant to Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), the Administrator and the Attorney General, each through their respective delegates, have jointly determined that this administrative penalty action is appropriate.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. 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.
15. This CAFO resolves violations of the CAA, 42 U.S.C. §§ 7401, *et seq.* in connection with Respondent's facility located at 732 North Capitol Street, NW, Washington D.C. 20401 ("Facility").
16. EPA is authorized by Section 110 of the CAA, 42 U.S.C. § 7410, to approve a federally-enforceable state implementation plan ("SIP"), and by Section 113 of the CAA, 42 U.S.C. § 7413, to take action to ensure that air pollution sources comply with all federally-applicable air pollution control requirements, including requirements promulgated by EPA and those contained in federally-enforceable state implementation plans or permits. EPA originally approved the District of Columbia ("D.C.") SIP on December 6, 1973, at 38 Fed. Reg. 33709, and has periodically approved revisions to the SIP after that date. Title V of the CAA, 42 U.S.C. §§ 7661 – 7661f, and its implementing regulations at 40 C.F.R. Part 70, require states to develop and submit to EPA operating permit programs, and EPA to approve or disapprove such programs. EPA fully approved the Title V operating permit program for D.C., effective on June 2, 2003, 40 C.F.R. Part 70, App. A.
17. This CAFO also resolves violations of RCRA, Subtitle C, 42 U.S.C. §§ 6921- 6939g, and regulations in the authorized D.C. hazardous waste program in connection with Respondent's Facility.
18. D.C. initially received final authorization for its hazardous waste regulations, the D.C. Hazardous Waste Regulations ("DCHWR"), 20 DCMR 40 – 54, on March 8, 1985, effective March 22, 1985 (50 Fed. Reg. 9427). EPA reauthorized D.C.'s regulatory program on September 10, 2001, effective November 9, 2001 (66 Fed. Reg. 46961). The provisions of the revised federally-authorized regulations are enforceable by EPA pursuant to Section 3008(a) of the RCRA, 42 U.S.C. § 6928(a). The factual allegations and legal conclusions in this CA are based on provisions of the federally-authorized DCHWR in effect at the time of the violations alleged herein.
19. Respondent is an agency of the legislative branch of the United States government and has been, at all times relevant to this CAFO, the owner and operator of the Facility.
20. EPA conducted an inspection of the Facility on July 11-14, 2016 ("EPA Inspection").

COUNT I (CAA – TITLE V PERMIT)

21. The allegations in each of the preceding paragraphs of this CAFO are incorporated by reference as though fully set forth herein.
22. Respondent is a “person” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(d) of the CAA, 42 U.S.C. § 7413(d).
23. Provisions included by state permitting authorities in Title V permits issued under a program approved by EPA are enforceable by EPA unless denoted in the permit as a state or local requirement that is not federally-enforceable.
24. EPA fully approved the Title V operating permit program for D.C. effective on June 2, 2003, 40 C.F.R. Part 70, Appendix A.
25. The DOEE is a permitting authority for Title V purposes, as defined in Section 501(4) of the CAA, 42 U.S.C. § 7661(4). The DOEE issued Respondent Title V Operating Permit No. 29 (Title V Permit), with an effective date of April 25, 2000, which was still effective and all its terms enforceable at the time of the EPA Inspection.
26. Pursuant to Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), EPA has the authority to issue administrative penalty orders for violations of any requirement or prohibition contained in a federally-enforceable SIP or permit.

Failure to Minimize Emissions

27. Permit Condition A.3. of the Title V Permit provides, “Permittee must ensure that stationary sources and fuel burning equipment, including associated air pollution control equipment, are maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions [20 DCMR 606.3].”
28. Section B of the Title V Permit is entitled, “Emission Units, Emission Limits and Other Requirements.” Section B includes Permit Condition B.5. which identifies the following air pollution control equipment: Munro Model 60 Waste Paper Baling System: Main baling system with baghouse; carpenter shop baghouse; bindery trim with baghouse; passport cyclone and compactor; new passport cyclone and baler; postcard cyclone and compactor. The items listed in Permit Condition B.5. constitute a dust control system.
29. At the time of the EPA Inspection, in the atrium between Bldgs. A and B, there were clouds of dust particles in the air above the two cyclones that are used to separate the paper scraps from the air that is collected from trimming and binding operations. In addition, there was dust spread over the tops of the cyclones and ancillary equipment.
30. At the time of the EPA Inspection, Respondent violated Permit Condition A.3. of the

Title V Permit by failing to maintain and operate two cyclones in a manner consistent with good air pollution control practices for minimizing emissions.

Maintenance Paint Shop Coatings

31. Permit Condition B.6. of the Title V Permit provides requirements for the Maintenance Paint Shop.
32. Permit Conditions B.6.a. of the Title V Permit provides that the Facility shall not apply coatings in quantities that result in emissions of photochemically reactive solvent greater than 15 pounds per day.
33. Permit Conditions B.6.c. of the Title V Permit provides that the Facility shall not apply coatings in quantities that result in emissions of photochemically reactive solvent greater than three pounds per hour.
34. Permit Condition D.1 of the Title V Permit requires that the Facility maintain records of the amount of solvents (gals) and weight of inks (lb) used; also, the densities of solvents (lb/gal), VOC contents of inks (%) and solvents (lb/gal) and the results of tests performed to determine the quantity of such inks and solvents.
35. By cover letter dated February 1, 2016, Respondent submitted its Title V Annual Compliance Certification and other required data for the January 1 – December 31, 2015 reporting period. Respondent indicated in this report that for the time frame January 1, 2015 until June 29, 2015, the Facility was not complying with Permit Conditions B.6.a-c. of the Title V Permit.
36. At the time of the EPA Inspection, the Facility was not maintaining records adequate to verify compliance with the hourly photochemically reactive solvent emission limits in violation of Permit Condition B.6.c of the Title V Permit.
37. For calendar year 2015, Respondent violated Permit Conditions B.6.a. and c. and D.1. of the Title V Permit by failing to maintain records adequate to verify compliance with the daily and hourly photochemically reactive solvent emission limits. In addition, at the time of the EPA Inspection, Respondent violated Permit Conditions B.6.c. and D.1. of the Title V Permit by not maintaining records adequate to verify compliance with the hourly photochemically reactive solvent emission limit.

Open Containers

38. Permit Condition A.10. of the Title V Permit provides, "Permittee must keep all containers holding volatile organic compound-containing materials closed. The containers shall be open only when necessary and opening shall be restricted to the extent feasible [20 DCMR 710.9]."

39. At the time of the EPA Inspection, at Press No. 8575, which is one of three presses within Building C, Group 98 presses, there was one open container of blanket wash and one open container of fountain solution. Press No. 8575 was not operating at the time when the open containers were observed to be open.
40. Both blanket wash and fountain solution are volatile organic compound-containing materials.
41. At the time of the EPA Inspection, Respondent violated Permit Condition A.10. of the Title V permit by not maintaining two containers of volatile organic compound-containing materials closed.

COUNT II (CAA – REFRIGERANT REGULATIONS)

42. The allegations in each of the preceding paragraphs of this CAFO are incorporated by reference as though fully set forth herein.
43. Under Section 113(a)(3) of the CAA, the Administrator of EPA has the authority to issue orders requiring persons to comply with the National Recycling and Emission Reduction Program for stratospheric ozone-depleting refrigerants promulgated under Section 608(a) of the CAA, 42 U.S.C. § 7671g(a).
44. 40 C.F.R. § 82.166(k) requires that facilities with appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants must create and maintain servicing records documenting the date and type of service, as well as the quantity of refrigerant added to such appliances.
45. During calendar years 2014 and 2015, Respondent had appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerant.
46. During the months of October and December 2014 and July 2015, the Facility did not maintain adequate records regarding its servicing of appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants.
47. The Facility violated 40 C.F.R. § 82.166(k) by failing to create or maintain servicing records documenting the date and type of service, as well as the quantity of refrigerant added with respect to its appliances containing greater than fifty pounds of a Class I or Class II ozone depleting refrigerants for the months of October and December 2014 and July 2015.

COUNT III (RCRA SUBTITLE C – OPERATING WITHOUT A PERMIT)

48. The allegations in each of the preceding paragraphs of this CAFO are incorporated by reference as though fully set forth herein.
49. Respondent is a department, agency and/or instrumentality of the United States and is a “person” as defined by Section 1004(15) of the RCRA, 42 U.S.C. § 6903(15), and 20 DCMR § 5400.1.
50. Respondent is and has been through the period of the violations alleged herein, a “generator” of, and has engaged in the “storage” of, materials that are “solid wastes” and “hazardous waste” at the Facility as those terms are defined by 20 DCMR § 5400.1.
51. The Facility uses EPA RCRA ID DC4040005031.
52. Respondent is and, at all times relevant to this CAFO, has been an “owner” and “operator” of the Facility, as those terms are defined in 20 DCMR § 5400.1.
53. Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e), and 20 DCMR § 4600.5, provide, in pertinent part, that a person may not operate a hazardous waste storage, treatment or disposal facility unless such person has first obtained a permit for the facility.
54. 20 DCMR § 4202.7 provides, in relevant part, that a generator may accumulate hazardous waste on-site for ninety (90) days or less without a permit or without having interim status, provided that, among other requirements not relevant herein:
- a. The waste is placed in containers and the generator complies with 20 DCMR § 4415;
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and
 - c. While being accumulated on-site, each container and tank is labeled and marked clearly with the words “Hazardous Waste.”

Container Labeling

55. 20 DCMR § 4202.7(c) and (d) respectively require that each container have upon it the date upon which each period of accumulation begins and be labeled or marked clearly with the words, “Hazardous Waste” while being accumulated on-site.
56. At the time of the EPA Inspection, July 11-14, 2016, the following hazardous wastes were not marked clearly as “Hazardous Waste” and did not have upon them accumulation

start dates:

- a. Twenty-seven 55-gallon containers in the Chemical Waste Consolidation Area (Basement Storage) which were not marked with the words "hazardous waste;"
- b. One 55-gallon container storing either used ink or speedy dry in the Chemical Waste Consolidation Area (Basement Storage); which was not marked with the words "hazardous waste;"
- c. One 5-gallon bucket in B-909, Masonry and Paint Branch, which did not have an accumulation start date;
- d. A one-liter plastic container in B-508 Wet Laboratory approximately one-third full, with a notation on the bottle which indicated "pH>12." This container was neither dated nor marked with the words "hazardous waste;"
- e. A 5-gallon container labelled "waste mineral acid (primarily nitric acid)" in B-508 Wet Laboratory which was not marked with the words "hazardous waste;"
- f. A 500-mL amber container approximately two-thirds full with a product label for HYDRANAL-Coulomat AG and with a hand-written notation on the label indicating "waste" in B-508 Wet Laboratory. This container was neither dated nor marked with the words "hazardous waste;"
- g. A 55-gallon fiber container approximately three-quarters full of aerosol cans in Building C, 4th Floor, Press, Group 98, which was labeled as "unwanted aerosol cans." This container was neither dated nor marked with the words "hazardous waste."
- h. A container of aerosol cans was also observed in Building C, 2nd Floor, Group 86, labeled as "aerosol cans only" which was neither dated nor marked with the words "hazardous waste;"
- i. Three 30-gallon plastic containers of used shop towels in Storage Waste area #3, 2nd Floor waste, not individually marked with the words "hazardous waste;"
- j. A 10-gallon closed metal container labelled "Oil Rags" on the 5th Floor, A-517 Paint Shop, which was not marked with the words "hazardous waste."
- k. Five boxes of used bulbs in the 4th Floor, Electric Branch Storage Room, which were not marked with the words "hazardous waste;" and
- l. One box of used lamps in Building 4, 3rd Floor, Electrical Cage which was not marked with the words "hazardous waste."

57. The contents of the containers described in Paragraph 56, above, are and were, at all times relevant to the violations alleged herein, "solid wastes," as defined in 20 DCMR §§ 4100.4 through 4100.11, and "hazardous wastes," as defined 20 DCMR §§ 4100.12 through 4100.17.

58. Respondent violated 20 DCMR § 4202.7(c) and (d), during the July 11-14, 2016, EPA Inspection by failing to ensure that containers holding hazardous waste had a label with the date upon which each period of accumulation begins and while being accumulated on-site each container is labeled and marked clearly with the words "Hazardous Waste."

Open Containers

59. 20 DCMR § 4415.5 requires that a container holding hazardous waste always be closed during storage, except when it is necessary to add or remove waste.
60. At the time of the EPA Inspection, July 11-14, 2016, the following containers of hazardous waste were open and hazardous waste was not being added nor removed at the time of the observation:
- a. A 55-gallon metal container with a dome lid containing aerosol cans in Building 4, Passport, Cutting Paper, which had its push door open; and
 - b. A 55-gallon container labelled “Aerosol Cans to be Punctured” which did not contain a lid.
 - c. Thirteen open boxes of used bulbs in the 4th Floor, Electric Branch Storage Room; and
 - d. One box of used lamps in Building 4, 3rd Floor, Electrical Cage, which was open.
61. Respondent violated 20 DCMR § 4415.5, during the July 11-14, 2016, EPA Inspection by failing to ensure that a container holding hazardous waste be closed during storage, except when it is necessary to add or remove waste.
62. For the reasons and during each of the dates and time periods identified in Paragraphs 55 through 61 above, Respondent failed to comply with the permit exemption conditions, identified in Paragraph 54, above, for temporary accumulation of hazardous waste by a generator at the Facility, as required pursuant to 20 DCMR § 4202.7, and therefore failed to qualify for an exemption from the permitting/interim status requirements provided by such section.
63. For each of the reasons and during each of the dates and time periods identified in Paragraphs 55 through 61 above, Respondent engaged in the operation of a hazardous waste storage facility (i.e., the Facility) without having interim status or obtaining a permit for the Facility pursuant to Section 3005 of RCRA, 42 U.S.C. § 6925, or 20 DCMR § 4600.5.

COUNT IV (RCRA SUBTITLE C – OPEN CONTAINERS)

64. The allegations in each of the preceding paragraphs of this CAFO are incorporated by reference as though fully set forth herein.
65. 20 DCMR § 4415.5 requires that a container holding hazardous waste always be closed during storage, except when it is necessary to add or remove waste.
66. At the time of the EPA Inspection, July 11-14, 2016, the following containers of hazardous waste were open and hazardous waste was not being added nor removed at the time of the observation:

- a. A 55-gallon metal container with a dome lid containing aerosol cans in Building 4, Passport, Cutting Paper, which had its push door open; and
 - b. A 55-gallon container labelled "Aerosol Cans to be Punctured" which did not contain a lid.
 - c. Thirteen open boxes of used bulbs in the 4th Floor, Electric Branch Storage Room; and
 - d. One box of used lamps in Building 4, 3rd Floor, Electrical Cage, which was open.
67. Respondent violated 20 DCMR § 4415.5, during the July 11-14, 2016, EPA Inspection, by failing to ensure that a container holding hazardous waste be closed during storage, except when it is necessary to add or remove waste.

COUNT V (RCRA SUBTITLE C – WASTE DETERMINATIONS)

68. The allegations in each of the preceding paragraphs of this CAFO are incorporated by reference as though fully set forth herein.
69. 20 DCMR § 4100.4 defines solid waste as "any discarded material that is not excluded by § 4101.1 or that is not excluded by variance granted under §§ 4001.15 and 4001.16."
70. 20 DCMR § 4200.10 requires a person who generates solid waste to determine whether that waste is hazardous waste using one of the methods described therein.
71. At the time of the EPA Inspection, July 11-14, 2016, Respondent failed to make a hazardous waste determination for the following solid wastes:
- a. Twenty-seven drums in the Chemical Waste Consolidation Area that contained various forms of waste;
 - b. An undated, full 55-gallon black metal container of waste in QC & IMD Storage Room B-544;
 - c. Two 55-gallon black metal containers in QC & IMD Storage Room B-544 which were labeled as "Overfilled used blanket wash;"
 - d. Two 5-gallon containers of spent kerosene and a container of spent Tempest cleaning agent in QC & IMD Storage Room B-544;
 - e. Alcohol-contaminated swabs and rags generated in C-618 Secured Credential area;
 - f. An unlabeled and undated red metal 5-gallon container with solvent contaminated rags in B-508 Wet Laboratory;
 - g. A 5-gallon container labelled "used absorbents" which was approximately half full in B-508 Wet Laboratory;
 - h. A 2-liter container approximately one-third full and identified as "HPLC solvent collection" in B-508 Wet Laboratory;
 - i. A 55-gallon plastic container in the Offset Press Area which contained regular trash, but which also contained used gloves stained with ink;

- j. Nineteen containers of wastes, of various sizes, all unlabeled in Building C, 4th Floor, Press, Group 98;
 - k. Various containers in Building C, 2nd Floor, Group 86, including: two 15-gallon containers storing used rags/towels, and one open metal bucket containing cleaning solution and a sponge near the presses;
 - l. Three buckets with cleaning solution and sponges in the Direct Images Presses area; and
 - m. A 30-gallon container in the Direct Images Presses area holding towels which appeared to have been in contact with cleaning solution.
72. Respondent violated 20 DCMR § 4200.10, during the July 11-14, 2016, EPA Inspection, by failing to determine whether the solid wastes set forth in Paragraph 71, above, were hazardous waste.

CIVIL PENALTY

73. Respondent consents to the assessment of a civil penalty of ONE HUNDRED FORTY THOUSAND dollars (\$140,000.00) in full satisfaction of all claims for civil penalties for the violations alleged in the above five counts of this CAFO. Respondent must pay the civil penalty no later than **THIRTY (30)** calendar days after the date on which this CAFO is mailed or hand-delivered to Respondent.
74. For the violations alleged in Counts I and II, EPA considered a number of factors, including, but not limited to, the penalty assessment criteria in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), including (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation; and the *Clean Air Act Stationary Source Civil Penalty Policy* (1991). EPA also considered the *Adjustments of Civil Penalties for Inflation and Implementing the Debt Collection Improvement Act of 1996* ("DCIA"), as set forth in 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
75. For the violations alleged in Counts III-V, EPA considered a number of factors including, but not limited to, the statutory factors set forth in Section 3008(a)(3) of the RCRA, 42 U.S.C. § 6928(a)(3), *i.e.*, the seriousness of Respondent's violations and the good faith efforts by Respondent to comply with the applicable requirements of the RCRA, and the *RCRA Civil Penalty Policy* (2003). EPA has also considered the DCIA, as set forth in 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.
76. Payment of the civil penalty amount required under the terms of Paragraph 73, above, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference its name and address and the Docket Number of this action (Docket No. CAA-RCRA-03-2019-0082);
- 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

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

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

- e. All electronic wire transfer payments 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 payments through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Transaction Code 22 - checking
Account 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – Checking

Physical location of U.S. Treasury Facility:

5700 Rivertech Court
Riverdale, MD 20737

The Customer Service contact for the above method of payment is REX at 1-866-234-5681.

- g. There is an on-line payment option available through the Department of the Treasury. This payment option can be accessed from: WWW.PAY.GOV. Enter sfo 1.1 in the search field and complete all required fields in the form.
 - h. Payment may be made using the Intra Governmental Payment and Collection application (IPAC), ALC 68-01-0727, and Treasury Symbol 681099. Please include the Docket Number of this action (Docket No. CAA-RCRA-03-2019-0082) in the description field of the IPAC.
77. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or written notification confirming any electronic wire transfer, to:

Daniel L. Isales (3RC60)
Environmental Science Center
U.S. Environmental Protection Agency, Region III
701 Mapes Road
Fort Meade, MD 20755-5350
Isales.daniel@epa.gov

78. If the event that the payment required by Paragraph 73 is not made within thirty (30) calendar days from the effective date of this CAFO, 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 shall be managed in accordance with 31 U.S.C. § 3717, Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), and 40 C.F.R. § 13.11. Respondent disputes EPA's authority to impose interest charges on a federal agency and reserves its right to dispute any imposition of interest by EPA.

ANTIDEFICIENCY ACT

79. Failure to obtain adequate funds or appropriations from Congress does not release Respondent from its obligation to comply with the RCRA, the CAA, the applicable regulations thereunder, or with this CAFO. Nothing in this CAFO shall be interpreted to require obligation or payment of funds in violation of the Antideficiency Act, 31 U.S.C. § 1341.

GENERAL SETTLEMENT CONDITIONS

80. 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 CAFO 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's 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

81. 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

82. Nothing in this CAFO 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 CAFO does not constitute a waiver, suspension or modification of the requirements of the CAA, the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

83. This CAFO resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this CAFO. 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 the CAA, the RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

EXECUTION /PARTIES BOUND

84. This CAFO shall apply to and be binding upon the EPA, the Respondent and its successor agencies, departments and instrumentalities. 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 CAFO.

EFFECTIVE DATE

85. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his/her 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

86. This CAFO 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 CAFO.

For Respondent:

United States Government Publishing Office

7/16/2019
Date




Lyle Green
Acting Chief Administrative Officer

For the Complainant, the United States Environmental Protection Agency:

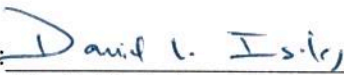
After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional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

Date: JUL 24 2019

By: 
Karen Melvin
Director, Enforcement and Compliance
Assurance Division
U.S. EPA – Region III
Complainant

Attorney for Complainant:


Date: 7/19/19

By: 
Daniel L. Isales
Assistant Regional Counsel
U.S. EPA – Region III

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the EPA 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 the RCRA and the CAA 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.

July 25, 2019
Date



Joseph J. Lisa
Regional Judicial Officer
U.S. Environmental Protection Agency, Region III



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

IN RE:

United States Government Publishing Office,

Respondent,

732 North Capitol Street, NW
Washington, DC 20401

Facility.

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: **Docket No. CAA-RCRA-03-2019-0082**
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: Proceeding under 42 U.S.C. §§ 7413 and
: 7418(a) and 42 U.S.C. §§ 6928(a) and (g)
: and 6961(b)
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CERTIFICATE OF SERVICE

I certify that on JUL 25 2019, the original and one (1) copy of foregoing **Consent Agreement and Final Order**, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Certified Mail, Return Receipt Requested, Postage Prepaid**, to:

Frederick B. Hay
Associate General Counsel
Office of General Counsel
U.S. Government Publishing Office
732 North Capitol Street, NW
Washington, DC 20401

Copy served via **Hand Delivery or Inter-Office Mail** to:

Daniel L. Isales (3RC50)
U.S. EPA, Region III
701 Mapes Road
Fort Meade, MD 20755-5350

Dated: JUL 25 2019

Berwin Esposito
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

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