



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 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)(7) and (8).

### **GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations or the findings of law set forth in this CAFO.
7. 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.
8. 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.
9. 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.
10. EPA and Respondent shall each bear its own costs and attorney's fees in connection with this proceeding.

### **EPA's FINDINGS OF FACT AND EPA's CONCLUSIONS OF LAW**

11. 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.
12. Respondent is a not-for-profit, nonstock corporation founded under the laws of the Commonwealth of Virginia as a water and sewer authority, with its principal place of business located at 11235 Spotswood Trail, P.O. Box 148, Ruckersville, Virginia 22968.
13. As a not-for-profit, nonstock corporation, Respondent is a "person" as defined by Section 101(21) of

CERCLA, 42 U.S.C. § 9601(21); Section 329(7) of EPCRA, 42 U.S.C. § 11049(7); and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61, and is subject to the assessment of civil penalties for the violations alleged herein.

14. At all times relevant to this CAFO, Respondent has been the operator of the Wilderness Wastewater Treatment Plant located at 36075 Wilderness Way, Locust Grove, Virginia ("Facility"), within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
15. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9); Section 329(4) of EPCRA, 42 U.S.C. § 11049(4); and their respective regulations, 40 C.F.R. §§ 302.3 and 355.61.
16. Respondent is an "owner or operator" of the Facility as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20), and referenced in Section 304 of EPCRA, 42 U.S.C. § 11004, and 40 C.F.R. §§ 355.2 and 355.30.
17. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of the EPA to publish a list of substances designated as hazardous substances, which, when released into the environment may present substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) ("Reportable Quantity" or "RQ"). The list of hazardous substances is codified at 40 C.F.R. § 302.4.
18. Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), requires the Administrator of EPA to publish a list of Extremely Hazardous Substances ("EHSs") and to promulgate regulations establishing that quantity of any EHS the release of which shall be required to be reported under Section 304(a) through (c) of EPCRA, 42 U.S.C. § 11004(a) through (c), ("Reportable Quantity" or "RQ"). The list of EHSs and their respective RQs is codified at 40 C.F.R. Part 355, Appendices A and B.
19. The State Emergency Response Commission ("SERC") for the Facility is, and at all times relevant to this CAFO has been, the Virginia Emergency Response Council.
20. The Local Emergency Planning Committee ("LEPC") for the Facility is, and at all times relevant to this CAFO has been, the Orange County Local Emergency Planning Committee.
21. At all times relevant to this CAFO, the Facility was a facility at which aluminum sulfate and sodium hypochlorite, both of which are hazardous chemicals for which a facility must maintain a Material Data Safety Sheet pursuant to 29 C.F.R. § 1910.1200, were produced, used or stored.
22. Beginning at or around 1:15 p.m. on December 21, 2015, EPA estimates 100 to 273 pounds of chlorine gas, Chemical Abstracts Service ("CAS") Registry No. 7782-50-5, was released from the Facility (the "Release") during a delivery of sodium hypochlorite to the Facility by an unrelated third-party company. Chlorine gas was released as a result the chemical reaction caused by a mixture of sodium hypochlorite and aluminum sulfate.

23. On February 22, 2016, EPA representatives conducted an inspection of the Facility following the Release to determine Respondent's compliance with Section 103 of CERCLA, 42 U.S.C. § 9603, and Sections 302, 303, 304, 311, and 312 of EPCRA, 42 U.S.C. §§ 11002, 11003, 11004, 110021, and-11022 ("the Inspection").
24. On June 14, 2018, EPA issued to Respondent a Request to Show Cause and Opportunity to Confer with EPA Regarding Alleged Violations of CERCLA Section 103 and EPCRA Section 304 and 312 at the Facility (the "Show Cause Letter").
25. On August 8, 2018, EPA received Respondent's reply to EPA's Show Cause Letter via email.

**Count I**  
**Failure to Immediately Notify the NRC of a Release**

26. The allegations of Paragraphs 1 through 25 of this Consent Agreement are incorporated herein by reference.
27. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, a person in charge of a facility to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), as soon as they have knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to or greater than the RQ.
28. The chemical chlorine is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of 10 pounds, as listed in 40 C.F.R. § 302.4.
29. The Release from the Facility on December 21, 2015 constituted a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).
30. The Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).
31. Respondent first became aware that the Release was occurring at approximately 1:20 p.m. on December 21, 2015, approximately 5 minutes after the delivery of sodium hypochlorite began. Respondent ordered that the third party cease delivery of the sodium hypochlorite at approximately 1:25 p.m. on December 21, 2015.
32. Respondent did not notify the NRC of the Release. EPA alleges that Respondent knew or should have known that the Release from the Facility was in a quantity equal to or exceeding its RQ.

33. EPA alleges that Respondent violated Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the relevant regulations at 40 C.F.R. Part 302 by failing to immediately notify the NRC as soon as it knew or should have known of the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
34. In failing to comply with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. Part 302, Respondent is subject to the assessment of penalties under Section 109(a) of CERCLA, 42 U.S.C. § 9609(a).

**Count II**  
**Failure to Immediately Notify the SERC of a Release**

35. The allegations of Paragraphs 1 through 34 of this Consent Agreement are incorporated herein by reference.
36. Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the SERC immediately following the release of a hazardous substance or an EHS in an amount equal to or greater than the RQ for such hazardous substance or EHS.
37. Chlorine is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, and an EHS as defined under Section 302(a) of EPCRA, 42 U.S.C. § 11002(a), and 40 C.F.R. § 355.61, with an RQ of 10 pounds, as listed in 40 C.F.R. Part 355, Appendices A and B, and 40 C.F.R. § 302.4.
38. Section 304(a)(4) of EPCRA, 42 U.S.C. § 11004(a)(4), and 40 C.F.R. § 355.31(a) exempt from the reporting requirement any release that results in exposure to persons solely within the boundaries of the facility.
39. EPA alleges based on air modeling conducted by EPA that the Release plume traveled offsite from the Facility property heading northeast at concentrations between 3 parts per million (“ppm”) and 10 ppm.
40. The Release from the Facility constituted a release of a hazardous substance in a quantity equal to or exceeding its RQ, requiring immediate notification of the SERC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b).
41. Respondent did not notify the SERC of the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
42. Respondent violated Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and the relevant regulations at 40 C.F.R. Part 355, Subpart C, by failing to immediately notify the SERC of the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
43. In failing to comply with Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C, Respondent is subject to the assessment of

penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**Count III  
Failure to Immediately Notify the LEPC of a Release**

44. The allegations of Paragraphs 1 through 43 of this Consent Agreement are incorporated herein by reference.
45. Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, the owner or operator of a facility at which hazardous chemicals are produced, used, or stored to notify the LEPC immediately following the release of a hazardous substance in an amount equal to or greater than the RQ for such substance.
46. The Release from the Facility constituted a release of a hazardous substance in a quantity equal to or exceeding the RQ for that substance, requiring immediate notification of the LEPC pursuant to Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b).
47. Respondent did not immediately notify the LEPC of the Release.
48. Respondent asserts that it notified the LEPC of the Release approximately 48 hours after the Release.
49. Respondent failed to immediately notify the LEPC of the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
50. Respondent violated Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and the relevant regulations at 40 C.F.R. Part 355, Subpart C, by failing to immediately notify the LEPC of the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
51. In failing to comply with Section 304(a)(1) and (b) of EPCRA, 42 U.S.C. § 11004(a)(1) and (b), and 40 C.F.R. Part 355, Subpart C, Respondent is subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

**Count IV  
Failure to Timely Submit Written Follow-up Report to the SERC**

52. The allegations of Paragraphs 1 through 51 of this Consent Agreement are incorporated herein by reference.
53. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, when there has been a release of a hazardous substance in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the SERC as soon as practicable.

54. The Release from the Facility constituted a release of a hazardous substance in a quantity equal to or exceeding its RQ, requiring provision of a written follow-up report to the SERC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).
55. Respondent did not provide a written follow-up report to the SERC regarding the Release.
56. Respondent violated Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and the relevant regulations at 40 C.F.R. Part 355, Subpart C, by failing to provide a written follow-up report as soon as practicable to the SERC regarding the release of a hazardous substance from the Facility in a equal to or greater than the RQ.
57. In failing to comply with Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C, Respondent is subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

#### **Count V**

#### **Failure to Timely Submit Written Follow-up Report to the LEPC**

58. The allegations of Paragraphs 1 through 57 of this Consent Agreement are incorporated herein by reference.
59. Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), as implemented by 40 C.F.R. Part 355, Subpart C, requires, in relevant part, that, when there has been a release of a hazardous substance in a quantity equal to or greater than the RQ from a facility at which hazardous chemicals are produced, used, or stored, the owner or operator of that facility must provide a written follow-up report regarding the release to the LEPC as soon as practicable.
60. The Release from the Facility constituted a release of a hazardous substance in a quantity equal to or exceeding its RQ, requiring provision of a written follow-up report to the LEPC pursuant to Section 304(c) of EPCRA, 42 U.S.C. § 11004(c).
61. Respondent did not provide a written follow-up report to the LEPC regarding the Release.
62. Respondent violated Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and the relevant regulations at 40 C.F.R. Part 355, Subpart C, by failing to provide a written follow-up report as soon as practicable to the LEPC regarding the release of a hazardous substance from the Facility in a quantity equal to or greater than the RQ.
63. In failing to comply with Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. Part 355, Subpart C, Respondent is subject to the assessment of penalties under Section 325(b) of EPCRA, 42 U.S.C. § 11045(b).

## CIVIL PENALTY

64. 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-ONE THOUSAND FIVE HUNDRED DOLLARS (\$21,500)**, which total includes **THREE THOUSAND FOUR HUNDRED AND FORTY DOLLARS (\$3,440)** for alleged violations of Section 103 of CERCLA, 42 U.S.C. § 9603 ("CERCLA civil penalty"), and **EIGHTEEN THOUSAND AND SIXTY DOLLARS (\$18,060)** for alleged violations of Section 304(a)(1), (b) and (c) of EPCRA, 42 U.S.C. § 11004(a)(1), (b) and (c) ("EPCRA civil penalty"), which Respondent shall be liable to pay in accordance with the terms set forth below.
65. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 325(b)(1)(C) of EPCRA, 42 U.S.C. § 11045(b)(1)(C), and Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), including, the following: the nature, circumstances, extent and gravity of the violation or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA's *Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (September 30, 1999)*, which reflects the statutory penalty criteria and factors set forth at Section 325(b)(1)(C) of EPCRA and Section 109(a)(3) of CERCLA, 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.
66. The civil penalty is also based upon an analysis of Respondent's ability to pay a civil penalty. This analysis was based upon documentation regarding Respondent's annual income for calendar years 2014-2017, submitted to EPA by Respondent on October 30, 2018.
67. 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 64, above, in settlement of the above-captioned action.
68. 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.*, EPCRA-CERCLA-03-2019-0026;
  - b. All checks in payment of the CERCLA civil penalty shall be made payable to the "EPA-Hazardous Substances Superfund";



- c. All payments made by check in payment of the CERCLA civil penalty and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

- d. All checks in payment of the EPCRA civil penalty shall be made payable to the "United States Treasury";

- e. All payments made by check in payment of the EPCRA civil penalty and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

- f. For additional information concerning other acceptable methods of payment of the civil penalty amounts see:

<https://www.epa.gov/financial/makepayment>

- g. A copy of Respondent's checks or other documentation of payment of the penalties using the method selected by Respondent for payment shall be sent simultaneously to:

Mark Bolender  
Senior Assistant Regional Counsel  
U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103  
[bolender.mark@epa.gov](mailto:bolender.mark@epa.gov)

69. 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.

70. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO 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).

71. INTEREST: In accordance with 40 C.F.R § 13.11(a)(1), interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand-delivered to Respondent. 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).
72. 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).
73. Failure by the Respondent to pay the CERCLA civil penalty and the EPCRA civil penalty assessed by the Final Order in accordance with the terms of this CAFO may subject Respondent to a civil action to collect the assessed penalties, plus interest, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and Section 325 of EPCRA, 42 U.S.C. § 11045. In any such collection action, the validity, amount and appropriateness of the penalty shall not be subject to review.
74. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

#### **GENERAL SETTLEMENT CONDITIONS**

75. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information or personally identifiable information from Respondent.
76. 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, 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. Respondent and its officers, directors, and agents reserve the right to raise all legal and factual claims and objections

should EPA exercise its rights under this paragraph.

### **OTHER APPLICABLE LAWS**

77. 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 CERCLA or EPCRA, or any regulations promulgated thereunder.

### **RESERVATION OF RIGHTS**

78. 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 CERCLA and EPCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this CAFO after its effective date.

### **EXECUTION /PARTIES BOUND**

79. This CAFO 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 they are 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**

80. 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**

81. 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:

Rapidan Service Authority


Date: 7/19/19

By: Tim Clemons GM/RSA  
Tim Clemons  
General Manager

For the Complainant:

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: AUG 1 2019

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

Attorney for Complainant:

Date: 7/25/19

By:   
\_\_\_\_\_  
Mark Bolender  
Sr. Assistant Regional Counsel  
U.S. EPA – Region III

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

**In the Matter of:** : U.S. EPA-REGION 3-RHC  
 : FILED-13AUG2019AM9:53

Rapidan Service Authority : U.S. EPA Docket No.  
11235 Spotswood Trail : EPCRA-CERCLA-03-2019-0026  
P.O. Box 148 :  
Ruckersville, Virginia 22968, : **Proceeding under Sections 103 and 109**  
 : **of the Comprehensive Environmental**  
Respondent, : **Response, Compensation and Liability Act,**  
 : **42 U.S.C. §§ 9603 and 9609, and Sections**  
Wilderness Wastewater Treatment Plant : **304 and 325 of the Emergency Planning and**  
36075 Wilderness Way : **Community Right-to-Know Act,**  
Locust Grove, Virginia 22508, : **42 U.S.C. §§ 11004 and 11045**  
 :  
Facility. :  
 :  
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**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Rapidan Service Authority, 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 *Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act* (September 30, 1999), and the statutory factors set forth in Section 325(b)(1)(C) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(b)(1)(C), and Section 109(a)(3) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9609(a)(3).


**NOW, THEREFORE, PURSUANT TO** Section 325 of EPCRA, 42 U.S.C. § 11045, Section 109 of CERCLA, 42 U.S.C. § 9609, 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 ONE THOUSAND FIVE HUNDRED DOLLARS (\$21,500)**, in accordance with

the payment provisions set forth in the Consent Agreement, 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 CERCLA and EPCRA 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.

Aug 13, 2019  
Date

  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA Region III

